

**NOTICE OF APPEAL FROM COMMON PLEAS REGARDING A
CONVICTION IN MUNICIPAL COURT**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Steven D. Dennis, Municipal Court Judge

Case No. 47247FD

The State

Respondent,

v.

De' Andre Smith,

Appellant.

NOTICE OF APPEAL

De' Andre Smith appeals the order of the Honorable Steven Douglas Dennis dated October 21, 2015, which affirmed his conviction in municipal court. Appellant received written notice of the order on October 30, 2015.

October 30, 2015

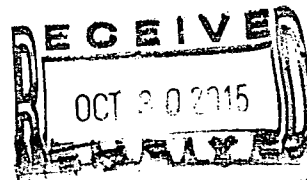
De' Andre Smith
De' Andre Smith
7232 South lake Marion circle
Columbia, SC 29223
(803) 397-8143

Other Counsel of Record:
Julia F. Cann
Columbia Police Department #1 Justice
Square Columbia SC 29201
(803) 545-3500
Police Officer

RECEIVED

OCT 30 2015

SC Court of Appeals



PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Steven D. Dennis, Municipal Court Judge

Case No. Case No. 47247FD

The State

Respondent,

v.

De' Andre Smith

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal by personally delivering a copy of it to City of Columbia Municipal, Court Clerk, at 811 Washington Street, Columbia, South Carolina 29201 on October 30, 2015

October 30, 2015

De' Andre Smith
De' Andre Smith
7232 South lake Marion circle
Columbia, SC 29223
(803) 397-8143

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OCT 30 2015
SC Court of Appeals

STATE OF SOUTH CAROLINA)	IN THE SUMMARY COURT
COUNTY/CITY OF COLUMBIA MUNICIPAL COURT)	
THE STATE)	
)	NOTICE OF INTENT TO APPEAL
VS)	
)	
Deandre A Smith)	

CASE NUMBER:	OFFENSE DESCRIPTION:
47247FD	Trespassing / Entry on another's pasture or other lands after notice

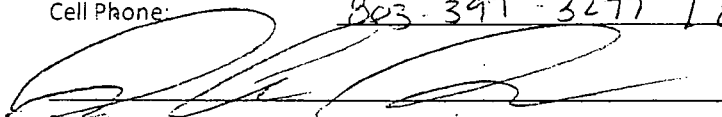
I, , hereby give Notice of Intent to Appeal the verdict of the summary court in the above action, to the Circuit Court of Common Pleas, in the county of Richland.

This notice of appeal is made subsequent to personal notice of the verdict which was received on the 21 day of October 2015.

The exceptions to the verdict of the summary court are set forth as follows:

The proceeding trial court error in finding that the defense did not waive his right to counsel. See Huckaby v. State, 305 S.C. 331, 335, 408 S.E.2d 242, 244 (1991). The trial court made a error in giving due proces of law when the court adeined the defense to make an opening statement(S.C. Summary court Judge Bench book Criminal:H:10)("Both parties in a criminal trial have the right to make an opening statement, present evidence, and make a closing statement"). This opening statement was necessary to clarify evidence for better understading, ensuring that the trail was judged fairly in a unbaised matter. The trial court also denied the objection of hessary in the prosecutor testimony. The witness was not in court to testify at the trial. The prosecutor lacked sufficient evidence to prove their case beyond a resonable doubt. I noticed that there was confusion in the interpretation S.C. Code of law 16-11-600 which may have caused doubt in the trial therby causing a Erroneous denial of motion of acquittal. *The evidence the defense presented to the trial court showed that there were not 4 signs at the place of the offense and that the place of offense was not a form or type of pasture capable of pasteurization of livestock but was a place of business. This may have cause the trial court to trailed the defense under a different offense other than the one stated by the prosecutor. *The trial court may have acted as the defense's prosecutor which would challenge the integrity of the trial. *The evidence(the receipt) that was given and was statement made by the prosectour("I had the receipt")("Kept stating he wanted his receipt back") proves that there was a resolvable doubt in accordant with S.C. Code of law 16-11-600. Evidence shows that there was legal cause or a good excuse to be at the place of business.

Name: De Andre Smith
Address: 7232 S Lake marion Circle
City/State/Zip: Columbia SC 29223
Home Phone: 803-397-8143
Cell Phone: 803-397-3277 / 803-238-5609


Signature (Defendant, Defendant Attorney, Officer, Solicitor, City Attorney) (circle one)

Date: 10/23/2015

City Of Columbia Municipal Court
811 Washington Street
Columbia, SC 29201
PHONE: (803) 545-3150
FAX: (803) 733-8433

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OCT 28 2015
MUNICIPAL COURT
COLUMBIA, SC

RECEIVED
OCT 30 2015
SC Court of Appeals

**LETTER TO THE APPELLATE COURT CLERK
FILING THE NOTICE OF APPEAL**

October 30, 2015

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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OCT 30 2015
SC Court of Appeals

RE: The State v. Deandre A Smith, Case No. 47247FD

Dear Ms. Kitchings

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent.

Sincerely,
De'Andre A. Smith
De'Andre Smith
7232 South lake Marion Circle
Columbia, South Carolina 29223
(803) 397-8143
Appellant

cc:
Julia F. Cann
Columbia Police Department #1 Justice
Square Columbia SC 29201
(803) 545-3500
Police Officer