

11/14/15

The State of South Carolina

In the Court of Appeals

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Appeal From Cherokee County

NOV 30 2015

Court of General Session

SC Court of Appeals

The Honorable R. Kelly Circuit Court Judge

Case # 2014-GS-11-939

# 2014-GS-11-940

The State - - - - - Respondent  
Gary Dwayne Childers - - - - - Appellant

Notice of Intent To Appeal

Gary Dwayne Childers Appeals his Plea and Sentence  
In This Case. This sentence was imposed by Honorable R. Kelly  
on Nov. 10, 2015. My motion to overturn the plea is being I never  
been in any trouble I should have gotten lesser time. Also I  
feel I wasn't represented propaly by my attorney, Michael Berry.

\* Copy to Michael Berry  
\* Copy to Solicitor

RECEIVED  
CLERK OF COURT  
CHEROKEE COUNTY, S.C.  
2015 NOV 18 A 11:38  
BRANDY W. HOBEE

**SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER**

**CLAY T. ALLEN - CIRCUIT PUBLIC DEFENDER  
CHEROKEE COUNTY OFFICE**

118 Willis Plaza  
P.O. Box 8008  
Gaffney, SC 29341



TELEPHONE (864) 487-6201

FAX (864) 487-6200

November 25, 2015

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NOV 30 2015

**SC Court of Appeals**

Robert M. Dudek, Chief Appellate Defender  
Division of Appellate Defense  
South Carolina Commission on Indigent Defense  
P.O. Box 11589  
Columbia, South Carolina 29211

Re: State v. Gary Dewayne Childers  
Case No.: 2014-GS-11-939, 2014-GS-11-940

Dear Mr. Dudek:

Please find enclosed a copy of the Notice of Appeal in the above captioned matter. The Court Reporter's name is

Linda D. Moffitt  
800 Belcher Road  
Spartanburg, SC 29316

Also enclosed are copies of the following documents: letter to the Clerk of Court of the South Carolina Court of Appeals, indictment, sentencing sheet and a copy of the Defendant's Affidavit of Indigency.

If you or a member of your staff desire additional information or documentation, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael A. Berry".

Michael A. Berry

Enclosure: Notice of Appeal  
Affidavit of Indigency  
Court Order (Indictment/Sentencing Sheet)  
ltr: The Honorable Jenny A. Kitchings

**SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER**

**CLAY T. ALLEN - CIRCUIT PUBLIC DEFENDER  
CHEROKEE COUNTY OFFICE**

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P.O. Box 8008  
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November 25, 2015

Kimberly L. Leskani  
Assistant Circuit Solicitor  
Seventh Circuit Solicitor's Office  
125 E. Floyd Baker Boulevard  
Gaffney, SC 29340

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NOV 30 2015

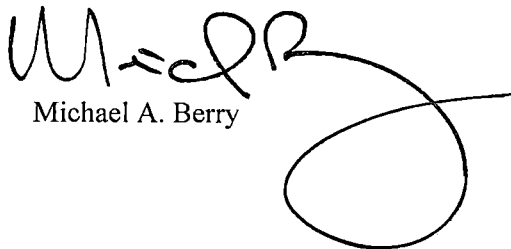
SC Court of Appeals

Re: State v. Gary Dewayne Childers  
Case No.: 2014-GS-11-939, 2014-GS-11-940

Dear Ms Leskani:

Please find enclosed copies of the Notice of Appeal and my letter to the Clerk of Court of the South Carolina Court of Appeals concerning the above captioned case.

Sincerely yours,

  
Michael A. Berry

Enclosure: Notice of Appeal  
ltr: The Honorable Jenny A. Kitchings

**SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER**

**CLAY T. ALLEN - CIRCUIT PUBLIC DEFENDER  
CHEROKEE COUNTY OFFICE**

118 Willis Plaza  
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Gaffney, SC 29341



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November 25, 2015

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NOV 30 2015

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

RE: State v. Gary Dewayne Childers  
Case No.: 2014-GS-11-939, 2014-GS-11-940

Dear Ms. Kitchings:

Enclosed for filing is the original Notice of Appeal in the above case filed by my client Gary Dewayne Childers. This appeal is taken from a guilty plea entered on November 12, 2015. After entry of his guilty plea, Mr. Childers did not instruct me to file an appeal and took it upon himself to file with the Cherokee County Clerk of Court the enclosed, handwritten notice. I received a copy of Mr. Childers' notice from the Cherokee County Clerk of Court on November 24, 2015 after returning from a C.L.E. seminar in Nevada. I cannot say whether Mr. Childers has any documentation supporting his proof of service to Solicitor Kim Leskanic; however, as evidenced on the written motion filed with the Clerk of Court, the Clerk does indicate that a copy was provided to the Solicitor's Office. I am not convinced that there are any issues which were preserved for appeal; however as I am ethically required to assist my client, I am forwarding his appeal for the Courts review.

Also enclosed ia a copy of the indictment and sentence to be challenged on appeal.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael A. Berry". The signature is stylized and includes a large, sweeping flourish at the end.

Michael A. Berry

Enclosures: Notice of Appeal  
Court Orders (Indictment/Sentencing Sheet/Denial of Motion for New Trial)

cc: Office of Seventh Judicial Circuit Solicitor  
Division of Appellate Defense, S.C.C.I.D.

**SEVENTH CIRCUIT PUBLIC DEFENDER**

CHEROKEE COUNTY OFFICE

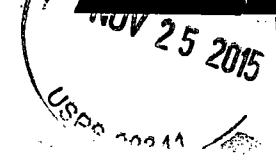
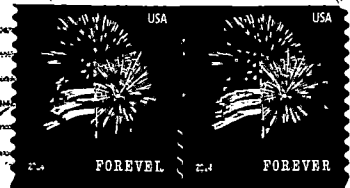
118 WILLIS PLAZA

P.O. Box 8008

GAFFNEY, SOUTH CAROLINA 29341

GREENVILLE SC 296

25 NOV 2015 PM 11



The Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

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NOV 30 2015

**SC Court of Appeals**

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