

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of General Sessions

Kristi Lea Harrington, Circuit Court Judge

Trial Court Case No: 2013GS0810429; 2015GS0800140
Case No. 2015-002478

The State, Respondent

v.

Falonzo Rakeem Dash, Appellant

MOTION TO REINSTATE APPEAL

AND MOTION TO FILE NOTICE OF INTENT TO APPEAL OUT OF TIME

COMES NOW APPELLANT and does ask this court to reinstate the Appeal in the
above-referenced case based on the following:

1. Appellant was convicted at Jury Trial on October 28, 2015.
2. Appellant was sentenced by the Honorable Kristi Lea Harrington to Ten (10) years on Indictment Number 2013GS0801429 and Thirty (30) days on Indictment Number 2015GS0800149. Appellant contacted the undersigned attorney and asked her to file a Notice of Intent to Appeal on the cases. Trial Counsel would not respond to Appellant's family request that the Notice of Intent to Appeal be done.

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DEC 29 2015

SC Court of Appeals

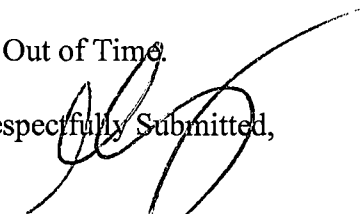
3. Appellant's attorney filed the Notice of Intent to Appeal as soon as possible in the Berkeley County Clerk's office. The Notice was filed on November 15, 2015.
4. Appellant mailed the Notice of Intent to Appeal and Proof of Service to the Assistant Solicitor Mathew Ozment and South Carolina Probation and Parole Agent Kiawannah Parson on November 20, 2015..
5. The Notice of Intent to Appeal was not file within the ten(10) days required by Appellate Court Rule 203(b)(2). This Court dismissed the Appeal as untimely filed in the Trial Court on December 16, 2015.
6. Appellant would respectfully submit this Motion to the Court asking that the Appeal be reinstated under Appellate Court Rule 260, and asserts the following to support good cause to do so.
 - a. Appellant could not file for the Notice of Intent to Appeal in a timely manner, because his Trial Counsel would not communicate with Appellant's family about the Appeal.
 - b. Appellant contacted his undersigned counsel and asked her to file the Notice. Appellant's counsel filed the Notice of Intent to Appeal as soon as she could.
 - c. Appellant's attorney did not file a Motion to File Notice of Intent to Appeal Out of Time, because she was confused about the dates at the time of the filing.
 - d. Appellant's desires to appeal his cases. All parties in the case are aware of his desire for an Appeal and have been notified of this Action.
 - e. The Respondent has not been prejudiced in any manner at this time. Judicial economy would be best served to allow Appellant to go forward on an appeal.

Alternatively, Appellant would have to file a Post Conviction Relief Action against his Trial Counsel and assert that he wanted an Appeal filed, asserting that Trial Counsel was ineffective. This process would take a considerable amount of time.

- f. Appellant has valid issues that he wishes to assert in his Appeal. He was convicted at a jury trial. His Probation was revoked based on the conviction by the jury. The two cases are connected in that he would not have been violated on probation but for his new conviction at jury trial.

Appellant does respectfully request that the Court Grant this Motion to Reinstate Appeal and Allow Notice of Intent to Appeal to be filed Out of Time.

Respectfully Submitted,



MBLISA W. GAY
ATTORNEY FOR APPELLANT
P.O. BOX 2144
MT. PLEASANT, SC 29465
ATTORNEY FOR APPELLANT
FALONZO RAKEEM DASH

December 24, 2015

Other counsel of record are:
Mathew Ozment
Assistant Solicitor
Ninth Circuit Solicitor's Office
300 California Ave
Moncks Corner, SC 29461

Kiawanah Parson
South Carolina Probation and Parole Agent
300 A California Avenue
Moncks Corner, SC 29461

FORM 7

PROOF OF SERVICE OF MOTION TO REINSTATE APPEAL AND MOTION TO FILE
NOTICE OF INTENT TO APPEAL OUT OF TIME

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BERKELEY COUNTY
COURT OF GENERAL SESSIONS

KRISTI LEA HARRINGTON, CIRCUIT COURT JUDGE

TRIAL COURT CASE NO: 2013GS0810429; 2015GS0800140
CASE NO. 2015-002478

THE STATE, RESPONDENT
V.

FALONZO RAKEEM DASH, APPELLANT

PROOF OF SERVICE

I certify that I have served the Motion to Reinstate Appeal and Motion to File Notice of Intent to Appeal Out of Time on Attorney Mathew Randall Ozment by placing a copy of this Notice in the United States Mail. The Notice of Intent to Appeal was sent on December 24, 2015 to:

Other Counsel of Record:
Mathew Randall Ozment
Berkeley County Assistant Solicitor
300 California Ave.
Moncks Corner, SC 29461
(843)719-4496

Kiawanah Parson
South Carolina Probation and Parole Agent
300 California Ave.
Moncks Corner, SC 29461

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MELISA W. GAY
ATTORNEY FOR APPELLANT
P.O. BOX 2144
MT. PLEASANT, SC 29465
ATTORNEY FOR FALONZO RAKEEM DASH

December 24, 2015

Melisa W. Gay, LLC
Attorney and Counselor at Law

Melisa W. Gay

Post Office Box 2144
Mt. Pleasant, South Carolina 29465-2144

Office (843) 856-0580
Facsimile (843) 856-0590

October 24, 2015

Via United States Mail

Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: The State v. Falonzo Rakeem Rahom Dash
Case No: 2015-002478

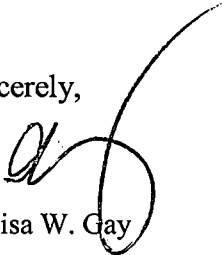
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Dear Madam Clerk:

Please find enclosed an original and copy of the Motion to Reinstate Appeal and Motion to File notice of Intent to Appeal Out of Time and Proof of Service.

Upon filing, kindly return the certified copy to me in the self-addressed, stamped envelope that I have provided for your convenience. Should you have any questions or concerns, please do not hesitate to contact our office at your earliest convenience. Thank you for your attention to this matter.

Sincerely,


Melisa W. Gay

Enclosure

cc: Other Counsel of Record
Mathew Ozment
Assistant Solicitor Berkeley County
Ninth Circuit Solicitor's Office

Melisa W. Gay, LLC
Attorney and Counselor at Law

Melisa W. Gay

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