

**RECEIVED**

JAN 15 2016

The South Carolina Court of Appeals**SC Court of Appeals**JENNY ABBOTT KITCHINGS
CLERKV. CLAIRE ALLEN
DEPUTY CLERKPOST OFFICE BOX 11629
COLUMBIA SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-7839
www.sccourts.org

January 11, 2016

Mr. Jared Sullivan Newman, Esquire
PO Box 515
Port Royal SC 29935-0515Re: The State v. Lewis Chisolm
Appellate Case No. 2015-002403

Dear Counsel:

Please be advised this is the second letter to be sent asking for action from you.

Upon reviewing your client's notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The notice of appeal is not accompanied by a redacted copy of the order(s) and/or sentence sheet(s) challenged on appeal.
- Since this is an appeal from a guilty plea, nolo contendere plea, or plea pursuant to Alford, Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules requires "a written explanation showing that there is an issue which can be reviewed on appeal. This explanation should identify the issue(s) to be raised on appeal and the factual basis for the issue(s) including how the issue(s) was raised below and the ruling of the lower court on that issue(s). If an issue was not raised to and ruled on by the lower court, the explanation shall include argument and citation to legal authority showing how this issue can be reviewed on appeal."

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Robert Michael Dudek, Esquire
Julie Kate Keeney, Esquire
Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire

Jared Sullivan Newman, P.A.

Trial Attorney

Certified Civil Court Mediator

1508 Paris Ave.

Post Office Box 515

Port Royal, South Carolina 29935

jnewman@jnewmanlaw.com

January 14, 2016 313

Fax: (843) 522-0421

Hon. V. Claire Allen
Deputy Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

JAN 15 2016

SC Court of Appeals

Re: The State v. Lewis Chisolm
Appellate Case No.: 2015-002403

Dear Madam Clerk,

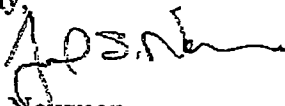
I am in receipt of the Notice of Deficiency dated January 11th 2016 and am forwarding a copy to Mr. Chisolm (SCDC) and Robert Dudek, Esquire.

I am not sure how to proceed. Mr. Chisolm filed his appeal *pro se*, the documents are enclosed. I witnessed a document for Mr. Chisolm and mailed the documents for him because he was immediately incarcerated after his plea and sentencing. I am not, however, his attorney for his appeal, nor have I signed any pleadings in this matter, other than as a witness for his certificate of mailing. I have enclosed a copy of the sentencing sheet and indictment.

I do not know the grounds that he wishes to challenge. I was his plea counsel, and to a limited extent assisted him with the documents he needed to sign and file and mailing the *pro se* appeal for him. Mr. Chisolm was advised by me that I was not representing him on this appeal, he acknowledged this fact and wished to proceed *pro se* and proceed through Office of Appellate Defense.

I do not know how to proceed at this juncture and am looking for any guidance from the Court.

Sincerely,



Jared S. Newman

cc: Mr. Louis Chisolm, SCDC #00196380
Kershaw Correctional Inst.
4848 Gold Mine Highway
Kershaw, South Carolina, 29067

Mr. Robert Dudek, Esquire

0-20 years

STATE OF SOUTH CAROLINA)
 COUNTY OF Beaufort)
 STATE VS.)
 Lewis Chisolm)
 AKA:)
 Race: AFRICAN AME Sex: M Age: 51)
 DOB: SS:)
 Address:)
 City, State, Zip:)
 DL#: SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS0701529
 A/W#: 2015GS0701529
 Date of Offense: 9/17/2013
 S.C. Code §: 16-03-0655(B)(1)
 CDR Code #: 0396

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: Criminal sexual conduct with minor - victim 11 to 14 yrs of age inclusive - Second degree

in violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Shirley K. Kelly 1001US [Signature] 12930
 Secretary, Traffic Code SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 60 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

PTUP _____
 _____ days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____
 Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk KO Boone
 Court Reporter: WANDA ROWE
 SCCA/217 (03/2011)

Presiding Judge [Signature]
 Judge Code: 2154
 Sentence Date: 11-9-15

KO BOONE
 Clerk of Court
 800 North Main Street
 Beaufort, SC 29516

WITNESSES

Kelleher / BCSO

DOCKET NO. 2015GS0701529

The State of South Carolina

County of Beaufort

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

September Term 2015

hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2015GS0701529

Direct Indictment

THE STATE

vs.

Lewis Chisolm

Indictment For

**Criminal Sexual Conduct With Minor,
2nd Degree – victim 11 to 14 years of
age**

SC Code: 16-3-655(B)(1)

CDR Code: 0396

True Bill

[Signature]
Foreperson of Grand Jury

Date: **SEP 17 2015**

Defendant

VERDICT

Witness:

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

INDICTMENT
2015GS0701529

At a Court of General Sessions, convened on September 17, 2015, the Grand Jurors of Beaufort County present upon their oath:

Criminal Sexual Conduct With Minor, 2nd Degree - victim 11 to 14 years of age

That in Beaufort County, South Carolina, on or about September 17, 2013, the Defendant, Lewis Chisolm, did engage in sexual battery with the victim [REDACTED] who was fourteen years of age or less but who was at least eleven years of age at the time of the sexual battery, to wit: the Defendant did have sexual intercourse with the victim, all in violation of Section 16-3-655(B)(1), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

[Handwritten Signature]

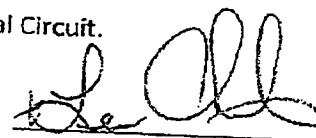
Solicitor

THE STATE OF SOUTH CAROLINA
 IN THE COURT OF APPEALS
 APPEAL FROM BEAUFORT COUNTY
 COURT OF GENERAL SESSIONS
 EUGENE C. GRIFFITH, JR., CIRCUIT COURT JUDGE
 INDICTMENT NO. 2015GS0701529

2015 NOV 13 11:10:25
 BEAUFORT COUNTY
 CLERK OF COURT

STATE OF SOUTH CAROLINA - RESPONDENT,
 versus
 LEWIS CHISOLM. - APPELLANT.

LEWIS CHISOLM, appeals from his plea, conviction and sentence on the charge of Criminal Sexual Conduct with Minor, or Attempt – Victim 11 to 14 years of age, Second Degree on November 9, 2015 before the Honorable Eugene C. Griffith, Jr., Presiding Judge, Eighth Judicial Circuit; and LEWIS CHISOLM appeals the Denial of his Motion to Reconsider Sentence on November 13, 2015 before the Honorable Eugene C. Griffith, Jr., Presiding Judge, Eighth Judicial Circuit.



Lewis Chisolm
 Pro-Se
 SC Department of Corrections

Other counsel of record:
 Julie Kate Keeney
 Post Office Box 1880
 Bluffton, South Carolina 29910
 (843) 255-5880

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

INDICTMENT NO. 2015GS0701529

STATE OF SOUTH CAROLINA

RESPONDENT,

verus

LEWIS CHISOLM

APPELLANT.

AFFIDAVIT OF SERVICE BY MAIL


PERSONALLY appeared before me, Lewis Chisolm, who being duly sworn, states:

1. That regular communication exists throughout the State of South Carolina, and this is the proper circumstances for hand delivered mail.
2. That on November 13, 2015 an Original Notice of Intent to Appeal in the above captioned case was filed with the Beaufort County Clerk of Court.
3. That an original Notice of Intent to Appeal in the above captioned case was served on the Clerk of Court, SC Court of Appeals, P.O. Box 11629, Columbia, SC by depositing same in the United States Post Office at Beaufort, South Carolina on November 13, 2015 with the proper postage prepaid thereon.
4. That a true copy of the Notice of Intent to Appeal in the above captioned case was served on the Solicitor, Fourteenth Judicial Circuit, Post Office Box 1880, Bluffton, South Carolina by depositing same in the United States Post Office at Beaufort, South Carolina on November 13, 2015 with proper postage paid thereon.

~~Sworn to and subscribed before me~~
this 13 day of Nov., 2014

JQ WITNESS

~~Notary Public for South Carolina~~
~~My Commission Expires: 06/26/2016~~


Lewis Chisolm

STATE OF SOUTH CAROLINA
COURT OF APPEALS
RECEIVED
NOV 13 2015

Lewis Chisolm
SC Department of Corrections
4344 Broad River Road
Columbia, SC 29210

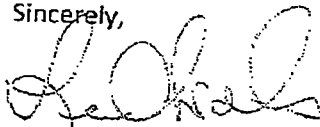
Solicitor
14th Judicial Circuit
Beaufort County
Post Office Box 1880
Bluffton, SC 29910

Re: Notice of Intent to Appeal
State vs. Lewis Chisolm
Indictment No. 2015GS0701529

Dear Sir/Madam:

Enclosed is a clocked copy of the Notice of Intent to Appeal in the above referenced matter and my certificate of mailing.

Sincerely,



Lewis Chisolm

Enclosures

Lewis Chisolm
SC Department of Corrections
4344 Broad River Road
Columbia, SC 29210

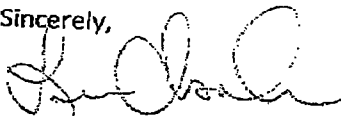
Clerk, SC Court of Appeals
Post Office Box 11629
Columbia, SC 29211-1629

Re: Notice of Intent to Appeal
State vs. Lewis Chisolm
Indictment No. 2015GS0701529

Dear Sir/Madam:

Enclosed is a clocked copy of the Notice of Intent to Appeal in the above referenced matter and my certificate of mailing.

Sincerely,



Lewis Chisolm

Enclosures

Lewis Chisolm
SC Department of Corrections
4344 Broad River Road
Columbia, SC 29210

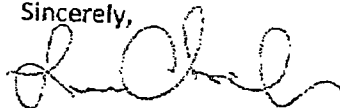
Division of Appellate Defense
Post Office 11589
Columbia, SC 29211

Re: Notice of Intent to Appeal
State vs. Lewis Chisolm
Indictment No. 2015GS0701529

Dear Sir/Madam:

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Sincerely,



Lewis Chisolm

Enclosures

Lewis Chisolm
SC Department of Corrections
4344 Broad River Road
Columbia, SC 29210

Office of the Attorney General
Attn: Criminal Appeals
1000 Assembly Street, Room 519

Re: Notice of Intent to Appeal
State vs. Lewis Chisolm
Indictment No. 2015GS0701529

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Sincerely,



Lewis Chisolm

Enclosures

Lewis Chisolm
SC Department of Corrections
4344 Broad River Road
Columbia, SC 29210

Office of the Attorney General
Attn: Criminal Appeals
1000 Assembly Street, Room 519
Columbia, SC 29201

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Indictment No. 2015GS0701529

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Lewis Chisolm

Enclosures

Lewis Chisolm
SC Department of Corrections
4344 Broad River Road
Columbia, SC 29210

Clerk, SC Court of Appeals
Post Office Box 11629
Columbia, SC 29211-1629

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State vs. Lewis Chisolm
Indictment No. 2015GS0701529

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Sincerely,



Lewis Chisolm

Enclosures

JARED S. NEWMAN, PA
LAW OFFICES
Post Office Box 515 / 1508 Paris Ave.
Port Royal, South Carolina 29935-0515
843-525-1313 / Fax 843-522-0421

FAX TRANSMISSION COVER SHEET

DATE: January 15, 2016
TO: V. Claire Allen
Clerk, SC Court of Appeals
FAX: 803-734-1839
RE: State v. Lewis Chisolm
Appellate Case No.: 2015-002403
SENDER: Dawn T. Erwin derwin@jnewmanlaw.com

RECEIVED
JAN 15 2016
SC Court of Appeals

15

YOU SHOULD RECEIVE 15 PAGE(S) INCLUDING THIS COVER SHEET.

**IF YOU DO NOT RECEIVE THE FULL TRANSMISSION, PLEASE CALL
843-522-1313**

TIME SENSITIVE

Thank you,

Dawn T. Erwin

Dawn T. Erwin
Paralegal to Jared S. Newman