

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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MAR 21 2016

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of General Sessions

John C. Hayes, III, Circuit Court Judge

Case No. 2015-GS-07-01205

State of South Carolina..... Respondent,

v.

Benjamin Cervantes Hernandez..... Appellant.

NOTICE OF APPEAL

Benjamin Cervantes Hernandez appeals his conviction and sentence on the charge of Criminal Sexual Conduct with a Minor 2nd degree. The sentence was imposed by the Honorable John C. Hayes, III on February 25, 2016. This appeal is taken from the order of the Honorable John C. Hayes, III, dated March 8, 2016, which denied Appellant's Motion to Reconsider Sentence and Motion for a New Trial. Appellant received written notice of entry of this order on March 15, 2016.

March 16, 2016



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Other counsel of record:

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Attorney for Respondent

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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, certified mail, return receipt requested on March 16, 2016 addressed to its attorney of record, Julie Kate Keeney, Post Office Box 1880, Bluffton, SC 29910.

March 16, 2016



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Facsimile: 843-757-4587

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SC Court of Appeals

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211-1629

Re: Notice of Intent to Appeal
State vs. Benjamin Cervantes Hernandez, Case No. 2015-GS-07-01205

Dear Ms. Kitchings,

Enclosed for filing is a notice of appeal in the above case. Also enclosed is proof of service of the notice of appeal on the respondent.

Mr. Cervantes-Hernandez has not retained my services or the services of this firm to appeal his conviction, nor is he able to retain private counsel to represent him in an appeal. The client is indigent and will require the services of the Appellate Defender.

Please do not hesitate to contact me with any questions. I have resigned from the Law Office of Mark J. Devine, LLC, and my last day with the firm is April 1, 2016. All correspondence should be sent to the firm; however, I may be reached at the below phone number after my departure from the firm.

Sincerely,



Helen Dovell
Associate Attorney
(843)870-5803 (cell)
helen@mjdevine.com

Enclosures

cc: Benjamin Cervantes-Hernandez, via U.S. Mail, w/ enclosures
Julie Kate Keeney, 14th Circuit Solicitor's Office, via U.S. Mail, w/ enclosures
Office of Appellate Defense, via U.S. Mail, w/ enclosures
South Carolina Attorney General's Office, via U.S. Mail, w/ enclosures
The Honorable Jerri Ann Roseneau, Clerk, Beaufort County, via U.S. Mail, w/ enclosures

Office of Mark J. Devine
107 Savannah Hwy
Charleston, SC 29407



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