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THE STATE OF SOUTH CAROLINA
Court of Appeals

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APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

MAR 30 2016

The Honorable Kristi L. Harrington

SC Court of Appeals

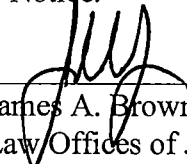
Indictment Numbers: 2013GS1007416, 418, 419, & 421
Appellate Case Number: 2016-000559

State of South Carolina.....Respondent.
v.
Jquan Marquel Scott,.....Appellant.

AMENDED NOTICE OF APPEAL

Jquan Marquel Scott appeals his convictions and sentences for the offenses of Murder, Armed Robbery, Kidnaping, and Possession of a Weapon during the Commission of a Violent Crime. Mr. Scott was convicted by plea on May 27, 2015, sentenced on August 26, 2015, and received notice of the denial of a timely filed, pursuant to Rule 29, Motion to Reconsider Sentences on March 4, 2016. The issue to be raised on appeal is the denial of this Motion to Reconsider Sentences. The factual basis for this issue is contained in the attached written Motion to Reconsider Sentences and involves statements made by the sentencing judge to undersigned counsel in the hallway of the judge's chambers in the presence of the solicitor, counsel for the co-defendant, and the mother of the deceased. The written denial of the reconsideration is included with this Notice.

March 28, 2016


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(843) 470-0003

Other Counsel of Record:

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101 Meeting Street, Suite 400
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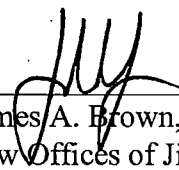
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PROOF OF SERVICE

I, James A. Brown, Jr., certify that I served a copy of the Amended Notice of Appeal with required attachments upon the Respondent by depositing a copy of this item in the United States Mail, postage prepaid, on March 28, 2016, addressed to its attorney of record, Scarlett A. Wilson, 101 Meeting Street, Suite 400, Charleston, SC 29401.


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STATE OF SOUTH CAROLINA)
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COUNTY OF CHARLESTON)
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IN THE COURT OF GENERAL SESSIONS

Indictment Nos: 2013GS1007416, 418, 419, & 421

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STATE OF SOUTH CAROLINA)
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VS.)
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JQUAN MARQUEL SCOTT)
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SC Court of Appeals

**MOTION TO
RECONSIDER SENTENCES**

THE DEFENDANT BRINGS BEFORE THIS COURT this Motion seeking reconsideration of the sentences imposed in the above-referenced matter.

As a matter of context, the Defendant was sentenced on August 26, 2015. The Court imposed a sentence of life on the charge of Murder, 30 years for the charge of Armed Robbery, 30 years for the charge of kidnaping, and 5 years for the charge of Possession of a Weapon during the Commission of a Violent Crime. These sentences were ordered to run concurrently.

However, reconsideration is appropriate given the Court's misapprehension of facts related to the sentencing presentation made by undersigned counsel. For purposes of sentencing, undersigned counsel prepared a sentencing memorandum and a power point type presentation highlighting aspects of the sentencing memorandum. This presentation included several photos and video clips.

Unfortunately, the original courtroom to which this sentencing was assigned, 3E, was not equipped for any type presentation. Undersigned counsel endeavored to facilitate the presentation by contacting the clerk of court. Undersigned counsel offered to bring his own office television to use as a monitor for the presentation.

The clerk's office informed counsel that there was no table to position the TV. The

clerk's office also informed counsel that no other courtrooms with monitors were available. In contrast, the Solicitor graciously offered counsel use of her office's projector.

On the day of sentencing, undersigned counsel could not get his presentation to work using the solicitor's projector. It was suggested by an IT tech employed with the Solicitor's office that the projector was not current enough to operate in conjunction with undersigned counsel's computer. Undersigned counsel endeavored for more than an hour to reach a solution while the attendees and witnesses for the sentencing as well as the Court patiently waited.

At some point, counsel was directed to go to a different courtroom, 4B, with sufficient technological ability to allow for a presentation. This courtroom was dark and locked when counsel arrived. Within seconds of connecting to the monitor in that courtroom, the Defendant's presentation worked without problems.

The Court then moved the sentencing from courtroom 3E to 4B. The Court met with counsel in the hallway behind the courtroom, outside the presence of the Defendant, before the sentencing. During this off the record meeting, the Court chastised counsel for the Defendant, telling him that it was "all [his] fault" for the sentencing problems and that this could have been avoided if counsel would have let her office know about the presentation.

The Court then brought the mother of the deceased into the hallway. The Court apologized to her for what she was going through. This apology was not on the record and was outside the presence of the Defendant.

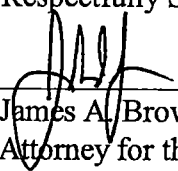
Apparently unknown to the Court at this time was the fact that undersigned counsel had previously informed the Judge, through email to her Law Clerk and the Solicitor, that a presentation was being offered and that a sentencing memorandum had been served. The Solicitor responded to this email that she had received her copy of the memorandum. The

Court's copy had been delivered to the law clerk just minutes before the email. See attached email dated August 24, 2015.

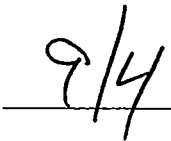
It is urged that the sentencing of the Defendant was negatively affected by the problems with the presentation. It is clear from the comments made to counsel for the Defendant that the Court blamed the Defendant for these problems. In fact, the Court was obviously not aware of the email communication.

Therefore, because the Court overlooked or misapprehended the nature of undersigned counsel's efforts to effectively provide an effective sentencing presentation, the Defendant's sentences should be vacated and a proper sentencing proceeding conducted without negative attribution toward's Defendant or his counsel.

Respectfully Submitted,

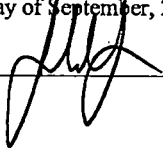


James A. Brown, Jr.
Attorney for the Defendant


_____, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served upon all counsel of record in this proceeding this 4th day of September, 2015.



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SC Court of Appeals

March 28, 2016

South Carolina Court of Appeals
The Honorable Jenny Abbott Kitchings
PO Box 11629
Columbia, SC 29211

Re: State v Jquan Marquel Scott: 2016-000559

Ms. Kitchings,

Please find enclosed an Amended Notice of Appeal, Proof of Service, and an Order denying a Motion to Reconsider Sentence filed pursuant to SCCrimP Rule 29. Please let me know if you have any further questions or concerns. Thank you for your assistance.

Sincerely,


Jim Brown

w/enclosures

cc: Charleston County Clerk of Court, w/ enclosures
Ninth Circuit Solicitor Scarlett Wilson, w/ enclosures
Office of Appellate Defense, w/ enclosures
Mr. Jquan Scott, w/ enclosures

