

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

John C. Hayes, III, Circuit Court Judge

Case No. 2015-CP-46-03747

RECEIVED  
APR 25 2016  
SC Court of Appeals

THE STATE OF SOUTH CAROLINA, Appellant,

v.

Sean Robert Kelly, Respondent.

**NOTICE OF APPEAL**

The State of South Carolina hereby appeals to the Court of Appeals the Order of the Honorable John C. Hayes, III, dated March 28, 2016. Appellant received written notice of entry of this Order on March 29, 2016. This Order is enclosed herewith as Exhibit A. Appellant filed a timely Rule 59(e) Motion, which was denied on April 13, 2016. That order is enclosed as Exhibit B. Appellant received written notice of that order on April 20, 2016.

April 22, 2016



William A McKinnon, Assistant Solicitor  
16<sup>th</sup> Judicial Circuit Solicitor's Office  
1070 Heckle Boulevard, Suite 207  
Rock Hill, South Carolina 29732  
*Attorney for Appellant*

Other Counsel of Record:

Michael L. Brown, Jr., Esquire  
P.O. Box 1025  
Rock Hill, South Carolina 29730  
*Attorney for Respondent*

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THE STATE OF SOUTH CAROLINA, Appellant,

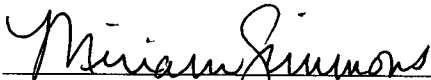
v.

Sean Robert Kelly, Respondent.

**PROOF OF SERVICE**

I hereby certify that I have served a copy of the foregoing Notice of Appeal in the above-referenced matter upon Michael L. Brown, Esquire, by depositing a copy of same in the United States Mail, addressed to his mailing address at P.O. Box 1025, Rock Hill, South Carolina 29730, in accordance with the provisions of Rule 262(b) of the South Carolina Appellate Court Rules.

Served this day,  
April 22, 2016

  
\_\_\_\_\_  
Miriam Simmons, Paralegal  
16<sup>th</sup> Judicial Circuit Solicitor's Office  
1070 Heckle Boulevard, Suite 207  
Rock Hill, South Carolina 29732  
*Attorney for Appellant*



KEVIN S. BRACKETT  
SOLICITOR

April 22, 2016

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**SC Court of Appeals**

**VIA FIRST CLASS MAIL**

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

**VIA INTER-DEPARTMENTAL DELIVERY**

Hon. David Hamilton, Clerk of Court  
York County Court of Common Pleas  
300 W. Liberty Street  
York, South Carolina 29745

Re: *State v. Sean Robert Kelly*, Case No. 2015-CP-46-03747

Dear Ms. Kitchings and Mr. Hamilton:

Please find enclosed an original of the Notice of Appeal and Proof of Service in the above-referenced matter. Please file these items in accordance with your normal procedures and return the clocked copy to me. By copy of this letter, the Notice is being served on opposing counsel.

Since this Appeal is being pursued by the State of South Carolina, I am informed that no filing fee is necessary. As always, please do not hesitate to contact me at (803) 909-7566, should you have any questions or concerns. Thank you very much for your assistance.

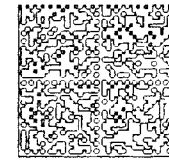
Sincerely,

William A. McKinnon  
Assistant Solicitor

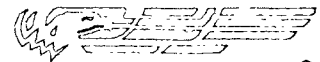
enclosures as stated

cc: Michael L. Brown, Jr., Esquire (*via US Mail*)

16th Judicial Circuit Solicitor's Office  
DUI Unit  
1070 Heckle Blvd., Suite 207  
Rock Hill, SC 29732



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**SC Court of Appeals**

Hon. Jenny Abbott Kitchings,  
Clerk of Court  
South Carolina Court of Appeals  
P. O. Box 11629  
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