BERKELEY COUNTY PUBLIC DEFENDER

219 N. HWY. 52, SUITE E, POST OFFICE BOX 1687
MONCKS CORNER, SOUTH CAROLINA 29461
(843) 899-2777 • FAX (843) 899-2701

RECEIVED
MAY 16 2016
SC Court of Appeals

May 10, 2016

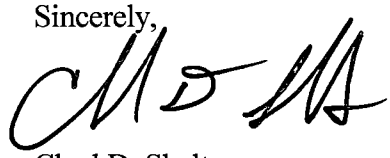
The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State of South Carolina vs. Robert Washington
Appellate Case No. 2016-000757

Dear Ms. Kitchings:

Enclosed please find a copy of the letter and all attachments I sent to Mr. Washington informing him to provide your office with sufficient basis for the appeal, as well as information pertaining to the Appeal.

Sincerely,



Chad D. Shelton
Assistant Public Defender

CDS:avs

BERKELEY COUNTY PUBLIC DEFENDER, INC.

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MAY 16 2016
SC Court of Appeals

May 10, 2016

Robert Washington # 00291211
Kirkland Reception and Evaluation Center
4344 Broad River Road
Columbia, SC 29210

RE: State of South Carolina vs. Robert Washington

Dear Mr. Washington:

I have filed the appeal of your guilty plea as you requested. The Court of Appeals has requested that I send you their address so that you can provide them with the reason for the appeal. Within this letter I have enclosed a copy of the letter sent by the Court of Appeals that contains their address. I have included the rule that references what information you must provide the court. My explanation for filing the appeal is because it has been done at your request. Given the questions and answers by the judge I did not have a basis for the appeal. Unless you are able to provide a sufficient basis for the appeal, it will be denied. So I encourage you to write the Court of Appeals providing your basis for the appeal.

Sincerely,

Chad D. Shelton,
Assistant Public Defender

RECEIVED
MAY 16 2016
SC Court of Appeals

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 06, 2016

Mr. Chad D. Shelton, Esquire
219 North Hwy 52
Suite E
Moncks Corner SC 29461

Re: The State v. Robert Washington
Appellate Case No. 2016-000757

Dear Counsel:

This Court has received your explanation for appealing.

Please forward your explanation to your client, along with a statement that your client has twenty (20) days from the date of your transmittal letter to inform this Court in writing of any arguable basis that there are issues preserved for appeal. Please provide your client with the Court's address:

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

Please send your letter to your client within ten (10) days, with a copy to this Court, or this appeal may be dismissed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Kamila Szymczynska-Sas, Esquire
Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire
Robert Michael Dudek, Esquire

In all other cases, the notice of appeal shall be filed with the clerk of the lower court and the Clerk Court of Appeals.

(B) When and What to File. The notice of appeal shall be filed with the clerk of the lower court and the clerk of the appellate court within ten (10) days after the notice of appeal is served. The notice filed with the appellate court shall be accompanied by the following:

(i) Proof of service showing that the notice has been served on all respondents;

(ii) A copy of the order(s) and judgment(s) to be challenged on appeal if they have been reduced to writing;

(iii) A filing fee as set by order of the Supreme Court;[1] this fee is not required for criminal appeals or appeals by the State of South Carolina or its departments or agencies;

(iv) If the appeal is from a guilty plea, an Alford[2] plea or a plea of nolo contendere, 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. If the appellant fails to make a sufficient showing, the notice of appeal may be dismissed;

(v) If the notice of appeal is from a post-conviction relief case and the lower court determined that the post-conviction relief action is barred as successive or being untimely under the statute of limitations, the written explanation required by Rule 243(c), SCACR; and,

(vi) If the notice of appeal is from a habeas corpus proceeding and the lower court determined that habeas corpus relief was improper because the issues could have been raised in a timely application under the Post-Conviction Relief Act (see Simpson v. State, 329 S.C. 43, 495 S.E.2d 429 (1998)), a written explanation as to why this determination was improper. This explanation must contain sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper. If the appellant fails to make a sufficient showing, the notice of appeal may be dismissed.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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MAY 16 2016
SC Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of General Sessions

Larry B. Hyman, Jr., Circuit Court Judge

Case No. 2016-GS-08-00179

The State, Respondent,

v.

Robert Washington Appellant.

NOTICE OF APPEAL

Robert Washington, was sentenced by the Honorable Larry B. Hyman, Jr. on March 31, 2016. Mr. Washington was dissatisfied with his sentence and asked an appeal. This attorney is of the opinion that if a client request an appeal, that the attorney is bound to file the appeal. In compliance with Appellate Practice Rule 263 and Appellate Practice Rule 203 (d) (1) B (iv), the Defendant's attorney asserts that this appeal is being filed at the request of the Defendant.

April 6, 2016

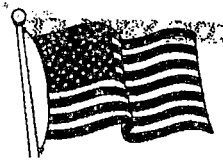
Chad D. Shelton
Assistant Public Defender
219 N. Hwy. 52, Suite E
Moncks Corner, S. C. 29461
(843) 899-2777
Attorney for Appellant

Other Counsel of Record:
Kamila Szymczynska-Sas
Assistant Solicitor
300-B California Ave.
Moncks Corner, South Carolina 29461
(843)719-4529
Attorney for Respondent

FILED
16 APR -6 PM 2:29
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C

Berkeley County Public Defender
219 N. Hwy. 52, Suite E
P. O. Box 1687
Moncks Corner, S. C. 29461

CHARLESTON SC 294



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