

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

The Honorable J. Derham Cole
Seventh Judicial Circuit Court Judge

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MAY 23 2016

SC Court of Appeals

Case Nos.

16-GS-42-2197

16-GS-42-2198

The State of South Carolina.....Respondent

vs.

Xavier Dominique Fair.....Appellant

EXPLANATION OF APPEAL PURSUANT TO RULE 203(d)(1)(B), SCACR

Pursuant to Rule 203(d)(1)(B), SCACR, Xavier Dominique Fair files this explanation of his appeal of his guilty plea, conviction and sentence in this case. The sentence was imposed by the Honorable J. Derham Cole on April 28, 2016. No issues were raised during the guilty plea; however, the client insisted upon an appeal; therefore, this appeal was filed pursuant to Weathers v. State, 319 S.C. 59, 459 S.E.2d 838 (1995), and State v. Thrift, 378 S.C. 70, 661 S.E.2d 373 (2008).

May 19, 2016



TIMOTHY M. RAY #70498

Attorney for Appellant

Timothy M. Ray LLC
184 North Daniel Morgan Avenue
Spartanburg, South Carolina 29306
Office: (864) 542-2800
Fax: (864) 585-0068
Email: timray@youhaveright.net

Other Counsel of record:

sandywinstead184@gmail.com

Lindsey Heger Overby, Assistant Solicitor
Seventh Circuit Solicitor's Office
Spartanburg County Courthouse
180 Magnolia Street
Spartanburg, SC 29306

FILED
CLERK OF COURT
SPARTANBURG COUNTY
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PROOF OF SERVICE

The undersigned, Sandra Winstead, hereby certifies that she is employed in the office of Timothy M. Ray, Attorney at Law, and is a person of such age and discretion as to be competent to serve papers and that a copy of the **EXPLANATION OF APPEAL PURSUANT TO RULE 203(d)(1)(B) SCACR**, was served upon the following person(s) on the State, by depositing copies of same in the United States Mail, with sufficient postage affixed thereto, on May 19, 2016, addressed as follows:

Lindsey Heger Overby, Assistant Solicitor
Seventh Circuit Solicitor's Office
180 Magnolia Street
Spartanburg, SC 29306

Sandra R. Winstead
SANDRA R. WINSTEAD

Subscribed and sworn to before me
on 19 day of May, 2016

[Signature]
Notary Public for South Carolina
My commission expires: 10/20/2020

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CLERK OF COURT
SPARTANBURG COUNTY
2016 MAY 19 PM 4:17
M. HOPE BLECKLEY



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MAY 23 2016

SC Court of Appeals

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS ✓
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V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
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May 11, 2016

Mr. Timothy M. Ray, Esquire
184 N. Daniel Morgan Ave.
Spartanburg SC 29306

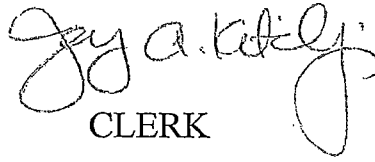
Re: The State v. Xavier D. Fair
Appellate Case No. 2016-000968

Dear Counsel:

Upon reviewing your 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:

- 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,


CLERK

cc: Robert Michael Dudek, Esquire - Appellate Court
Lindsey Heger Overby, Esquire
John Benjamin Aplin, Esquire
Alan McCrory Wilson, Esquire - AG

THE LAW OFFICES OF
TIMOTHY M. RAY
ATTORNEY & COUNSELOR AT LAW

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SC Court of Appeals

184 NORTH DANIEL MORGAN AVENUE
SPARTANBURG, SOUTH CAROLINA 29306

TELEPHONE: (864) 542-2800

FAX NUMBER: (864) 585-0068

May 19, 2016

Clerk of the SC Court of Appeals
PO Box 11629
Columbia, SC 29211

RE: THE STATE VS. XAVIER DOMINIQUE FAIR

Dear Ms. Kitchens:

Please find enclosed for filing Explanation of Appeal Pursuant to Rule 203(d) (1) B), SCACR AND Proof of Service in the above-referenced matter.

If I can be of further assistance please feel free to call me.

Sincerely yours,


Timothy M. Ray

TMR/stw

Enclosure

cc: Robert Michael Dudek, Esquire
Lindsey Heger Overby, Esquire
John Benjamin Aplin, Esquire
Alan McMrory Wilson, Esquire

Timothy M. Ray
Attorney At Law
184 N. Daniel Morgan Ave
Spartanburg, SC 29306



PITNEY BOWES

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SC Court of Appeals

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