

RECEIVED

JUN 06 2016

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
COURT OF GENERAL SESSIONS

THE HONORABLE DEADRA L. JEFFERSON, CIRCUIT COURT JUDGE

Case No. 2014GS1003322

Valentino M. Hayward,

Appellant,

v.

State of South Carolina,

Respondent,

PETITION TO REINSTATE

The undersigned counsel petitions to reinstate the direct appeal of Valentino Hayward. The appeal was dismissed by the Court on May 24, 2016. In support of this petition counsel would respectfully show the Court that:

1. Appeal was mailed in on November 23, 2015.
2. Notice of the appeal was sent from SC Courts to the Appellate Defense Office on December 1, 2015.
3. On January 21, 2015, the undersigned spoke with Ms. Loriene French, Esq. of the Appellate Defense Office, and provided her with the appellate case number obtained verbally by telephone that same day from the Clerk's office. It was the undersigned's understanding from Ms. French at that time that she had all she needed and would handle the case from that point forward.
4. On April 20, 2016, Ms. French sent the undersigned an email stating the need

for a transcript request. This shocked the undersigned. The undersigned was out of the office on paternity leave, under orders of protection with local Circuit Courts until May 16, 2016, but replied to Ms. French's email on April 22, 2016.

5. On April 22, 2016, the undersigned received an email from Paula Murdoch of the Division of Appellate Defense stating that "Ms. French is handling this case" but that she was out of the office that day.

6. On April 25, 2016, Ms. French emailed the below:

"At the time of our phone conversation on January 21, 2016, I had not received the notice of appeal or affidavit of indigency from you, nor had I been notified by the Court of Appeals. You gave me the appellate case number ... I immediately called Ms. Fuller at the Court of Appeals after our phone conversation concerning this case, and she realized she had never sent me the email containing the information of the appeal. She said she would speak with her supervisor to see how to proceed. As a result, the letter from the Court of Appeals was mailed on April 19, 2016."

7. From the above email, it would seem that the Clerk's office did not contact Ms. French from January 21, 2016, until April 19, 2016.

8. The undersigned got back into ordinary office work after the orders of protection expired on May 16, 2016.

9. The undersigned developed the impression that someone – either Ms. French or the Clerk's office – was shifting blame to the undersigned for something not getting done timely. The undersigned emailed Ms. French, who put the undersigned in touch with the Chief Appellate Defender, Mr. Robert Dudek, Esq.

10. The undersigned followed-up with Mr. Dudek on May 30, 2016, and Mr. Dudek advised that the undersigned needed to submit this petition.

11. On June 1, 2016 an Affidavit of Indigency was mailed overnight by FedEx to

Valentino Hayward at Lee Correctional Institute.

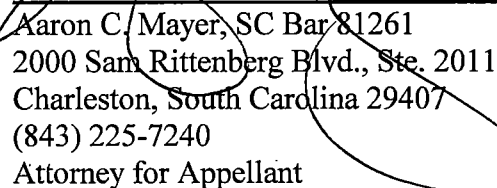
12. On June 3, 2016, the undersigned's office spoke with Mr. Hayward and confirmed that he received the Affidavit of Indigency and was signing it and sending it back in the next available mail.

13. The undersigned counsel most respectfully requests that the Court reconsider the dismissal of appellant's direct appeal, and afford appellant until June 30, 2016 – only about three weeks in which the undersigned may transmit the case to and have it formally, finally and officially accepted by the Appellate Defender's office – to request the transcripts in this matter.

Counsel respectfully requests that the direct appeal of Valentino M. Hayward be reinstated and requests the Court enlarge the time to request the transcript to include June 30, 2016.

Respectfully submitted,

June 3, 2016
Charleston, SC


Aaron C. Mayer, SC Bar 81261
2000 Sam Rittenberg Blvd., Ste. 2011
Charleston, South Carolina 29407
(843) 225-7240
Attorney for Appellant

Other Counsel of Record:
Benjamin Chad Simpson, Esq.
Assistant Solicitor: Ninth Judicial Circuit
Charleston County Office
100 Meeting St., Ste. 400
Charleston, SC 29401
Phone: (843) 958-1900
Fax: (843) 958-1905