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July 6, 2016

**Via USPS and Fax**

Jenny Abbott Kitchings, Clerk of Court  
P. O. 11629  
Columbia, SC 29211

**RECEIVED**

JUL 06 2016

**SC Court of Appeals**

Re: Kenneth Ray Boynton  
Case No.: 2016-001153

Dear Clerk of Court:

We are writing you with respect to the above-referenced case. While we filed the Notice of Appeal, it has been our intention to request the indigent defense counsel to handle this file.

I have spoken to Mr. Dudek and was advised to send this letter to you and to submit an indigent defense affidavit. We will do so as quickly as possible. Mr. Dudek believes that once we forward said affidavit that his office would likely accept this case on appeal.

One issue on appeal is not seeking remedy from a plea bargain and we request that you do not dismiss this action accordingly. This appeal essentially stems from the lack of authority of a Drug Court Probate judge to sentence an individual to a criminal sentence. Mr. Boynton contends that there is no statutory authority for such power.

There is currently no Order in existence from the Rule 59(e) motion held on May 23, 2016, appealing Mr. Boynton's sentence from the Probate Drug Court and therefore it is not attached. My understanding is the solicitor is still working on that Order.

Although there has been requests made by our office under the Notice of Appeal, as well as by Mr. Mills another attorney similarly situated with only trying to preserve the right to appeal, it was not done with the intention to privately represent his legal interests.

Yours very truly,



Keith Dame

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SC Court of Appeals



Law Group South

200 Elm Street, Conway, SC 29526

Office: 843-488-3777

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Date: 7/16/16 Time: 1:43 pm.

Sent By: Vanessa for Keith Dame

Clerk of Appelant Court Total Number of Pages Including The Cover Sheet: 2

Attention: Jenny Abbott Kitchings Phone: \_\_\_\_\_ Fax: 803-734-1839

Regarding: Kenneth Ray Boynton Case No.: 2016-001153

Comments: \_\_\_\_\_  
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\_\_\_\_\_

PLEASE CONFIRM RECEIPT BY TELEPHONE TO 843-488-3777

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