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July 6, 2016

Via USPS and Fax

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

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JUL 08 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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Clerk of Appellant Court
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SC Court of Appeals

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