

Lowcountry Law Office

4000 Faber Place Drive, Suite 300
Charleston, SC 29405
Phone: 843-323-4353 Fax: 843-323-4101
E-Mail: Davis@LowcountryLawOffice.com

October 14, 2016

The Honorable Daniel E. Shearhouse
Clerk, Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

RECEIVED

OCT 17 2016

S.C. SUPREME COURT

RE: Darius Barnwell v. State of South Carolina; Case #: 2015-CP-10-3792

Dear Mr. Shearhouse:

Enclosed for filing is the Notice of Appeal (original and clocked copy) in the above Post Conviction Relief (PCR) case. Also enclosed are the following:

- (1) Proof of service of the Notice of Appeal on the respondent;
- (2) The Order of Dismissal &
- (3) A Request for Representation on Appeal.

The Applicant-Appellant was represented by me as an indigent pursuant to my contract with the South Carolina Commission on Indigent Defense (SCCID) to handle PCR cases. By copy of this letter, I am forwarding a duplicate set of documents to the SCCID.

The Request for Representation on Appeal and the Affidavit in Support thereof are signed by me as attorney for Applicant-Appellant. If you need anything further, do not hesitate to contact me. Thank you for your time and attention to this matter.

Sincerely,

Rodney D. Davis
South Carolina Bar #: 12396
4000 Faber Place Drive, Suite 300
Charleston, SC 29405
(843) 323-4353
Davis@LowcountryLawOffice.com

✓ Enclosure(s). As stated above.
RDD/mmt

cc: J. Rutledge Johnson, Assistant Attorney General
Kimberly McCall, Appellate Division, SCCID

RECEIVED

OCT 17 2016

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Jean Toal

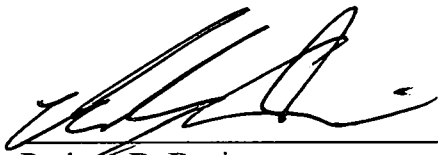
Case No.: 2015-CP-10-3792

Darius Barnwell, Appellant,
v.
State of South Carolina, Respondent.

NOTICE OF APPEAL

Darius Barnwell appeals the denial of his Post Conviction Relief (PCR) application in this case. The application for relief was denied following an evidentiary hearing before the Honorable Jean Toal on September 16, 2016.

October 3, 2016.



Rodney D. Davis
400 Faber Place Drive, Suite 300
Charleston, SC 29405
Attorney for Appellant

Other Counsel of Record:
J. Rutledge Johnson, Assistant Attorney General
Office of the Attorney General, State of South Carolina
P.O. Box 11549
Columbia, SC 29211-1549
Attorney for Respondent

RECEIVED

OCT 17 2016

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable Jean Toal

Case No.: 2015-CP-08-3792

Darius Barnwell

Appellant,

v.

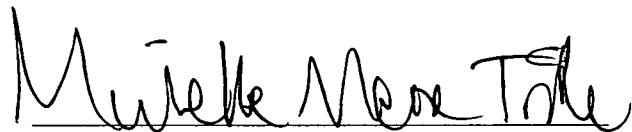
State of South Carolina,

Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State by mailing a copy of it to the address of record, J. Rutledge Johnson, P.O. Box 11549, Columbia, South Carolina 29211-1549, on October 4, 2016.

October 4, 2016



Michelle Moore Trimble
Paralegal to Rodney D. Davis
Lowcountry Law Office
400 Faber Place Drive, Suite 300
Charleston, SC 29405
Attorney for Appellant

Other Counsel of Record:
J. Rutledge Johnson
Assistant Attorney General
State of South Carolina
P.O. Box 11549
Columbia, SC 29211-1549
Attorney for Respondent

STATE OF SOUTH CAROLINA)
)
 County of Charleston Berkeley)
)
 _____)
Darius Barnwell)
)
 Applicant / Petitioner)
)
 vs.)
)
 State of South Carolina,)
)
 Respondent.)

COURT OF COMMON PLEAS
 Case No. 2015-CP-10-3792

ORDER

2016 SEP 16 AM 9:03
 JUDGE: [Signature]
 CLERK: [Signature]

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

1. The application for post-conviction relief is hereby: denied _____ granted _____ under advisement; a formal order will be filed (see below - No.6)

_____ 2. Motion(s) was/were heard in this case and the court orders: The motion to dismiss and/or for summary judgment is hereby _____ granted _____ denied _____ under advisement, based upon the _____ statute of limitations and/or _____ the successive nature of the application or _____ other reason as follows:

_____ 3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:
 _____ Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.
 _____ The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or _____ no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.

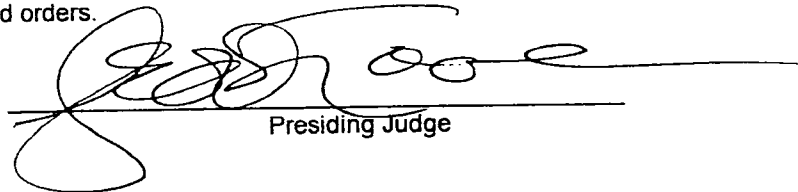
_____ 4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed _____ with prejudice _____ without prejudice.

_____ 5. Other: _____

6. The court further orders:
 The ^{Assistant} Attorney General _____ Applicant's counsel is directed to submit to the court a proposed order and to serve the order on opposing counsel within 10 days.
 _____ Both sides are directed to submit proposed orders to the court and to serve the orders on each other within _____ days.
 _____ The court does not request proposed orders.

IT IS SO ORDERED.

Date: 9/15/16
 Charleston, S.C.


 Presiding Judge

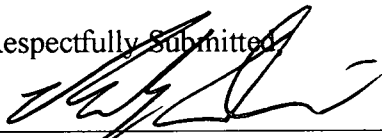
Court Reporter: Amanda Haffenden
 Attorney for Plaintiff: Rodney Davis
 Attorney for Defendant: J. Rutledge Johnson

STATE OF SOUTH CAROLINA)	IN THE SUPREME COURT OF SOUTH CAROLINA
)	
COUNTY OF CHARLESTON)	Case No.: 2015-CP-10-3792
)	
)	
DARIUS BARNWELL,)	
)	
Applicant.)	REQUEST FOR REPRESENTATION ON APPEAL
)	
-versus-)	
)	
STATE OF SOUTH CAROLINA,)	
)	
<u>Respondent.</u>)	

On behalf of the request of the above-named Applicant, to be represented by the South Carolina Commission of Indigent Defense, Appellate Division (SCCID), the undersigned attorney would show unto this Honorable Court that:

1. He is the attorney for the Applicant-Appellant in the above captioned case. The Applicant-Appellant was in custody during and taken into custody immediately following the Post Conviction Relief (PCR) hearing and was not available to personally sign this request;
2. The Applicant-Appellant was represented by the undersigned attorney as an indigent, pursuant to a contract with the SCCID;
3. The Applicant-Appellant has been informed that he may request assistance from the SCCID Appellate Division in perfecting his appeal;
4. A timely Notice of Intent to Appeal has been filed on the Applicant-Appellant's behalf;
5. The Applicant-Appellant has been informed that nothing requires SCCID Appellate Division to pursue this appeal unless that office's Chief Attorney is satisfied that there is arguable merit to this appeal and that he cannot afford to hire an attorney.

At this time, the Applicant-Appellant requests the aid of the SCCID Appellate Division in perfecting his appeal to the South Carolina Court of Appeals.

Respectfully Submitted,


 Rodney D. Davis
 South Carolina Bar #: 12396

Charleston, South Carolina.
 October 3, 2016

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)

CASE NO: 2015-CP-10-3792

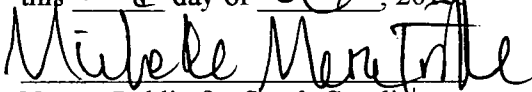
VERIFICATION

PERSONALLY appeared before me, Rodney D. Davis, being first duly sworn, deposes and says that he has read the foregoing *Request for Representation on Appeal* to be filed on behalf of the Applicant-Appellant, **Darius Barnwell**, and the same is true of his knowledge except those matters alleged on information and belief, and as to those matters, he believes them to be true.



Rodney D. Davis
South Carolina Bar #: 12396

SWORN to and subscribed to me
this 3rd day of Oct, 2016



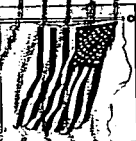
Notary Public for South Carolina
My Commission expires 4/25/2026

Lowcountry Law Office

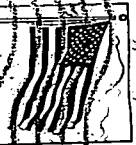
Rodney D. Davis
4000 Faber Place Drive, Suite 300
Charleston, SC 29405

CHARLESTON SC 294

15 OCT 2016 PM 2 L



FOREVER



FOREVER

Daniel E. Shearhouse
Clerk, Supreme Court of SC
P.O. Box 11330
Columbia, SC 29211

29211 131330

