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MAR 28 2017

SC Court of Appeals

NOTICE OF INTENT TO APPEAL
THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
FROM AIKEN COUNTY
THE HONORABLE Doyet A. Early, III
March 22, 2017
Indictment # 1979-GS-02-00268

THE STATE OF SOUTH CAROLINA -- Respondent

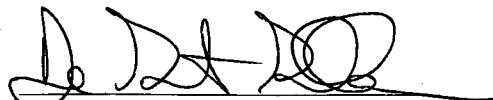
VS.

CLARENCE ASHBY -- Appellant

NOTICE OF INTENT TO APPEAL

Clarence Ashby pled guilty to Murder and Armed Robbery, and was sentenced to life without parole on the murder and a consecutive sentence of 25 years on armed robbery. Pursuant to *Aiken v Byars*, 410 S.C. 534, 765 S.E.2d 572 (SC 2014), Mr. Ashby filed a pro se motion on October 14, 2016, asking to have his sentence re-litigated.

A hearing was held on February 28, 2017 before the Honorable Doyet A. Early. Judge Early issued his decision on the matter in an order dated March 20, 2017, denying Mr. Ashby relief. He appeals the denial of his motion.



De Grant Gibbons
Attorney for Defendant

Other Counsel of record is:

J. Strom Thurmond
2nd Circuit Solicitor
Post Office Box 3368
Aiken, South Carolina 29802

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SC Court of Appeals

NOTICE OF INTENT TO APPEAL

Clarence Ashby
1979-GS-02-00268

CERTIFICATE OF SERVICE

I, Tesa Culbertson, do hereby certify that I have this day served the original of Appellate's Notice to Appeal upon the South Carolina Court of Appeals, and copies of Appellate's Notice of Intent to Appeal to the Clerk of Court of Aiken County and to J. Strom Thurmond, Solicitor, Second Judicial Circuit by placing same in the United States Mail properly addressed and with correct postage affixed thereto:

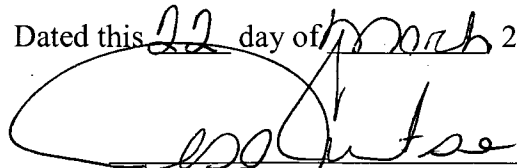
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

South Carolina Commission
Of Appellate Defense
P. O. Box 11589
Columbia, SC 29211

Clerk of Court
Aiken County Judicial Circuit
Post Office Box 583
Aiken, South Carolina 29802

J. Strom Thurmond
2nd Circuit Solicitor
Post Office Drawer 3368
Aiken, South Carolina 29802

Dated this 22 day of March 2017



Tesa Culbertson
Secretary to Appellant's Attorney
Post Office Drawer 2247
Aiken, SC 29802
803-642-1732

OFFICE OF THE SECOND JUDICIAL CIRCUIT PUBLIC DEFENDER

**211 York Street, NE
Post Office Box 2247
Aiken, South Carolina 29802**

March 22, 2017

South Carolina Commission
On Indigent Defense
Attention: Rhonda Fox
P. O. Box 11589
Columbia, SC 29211

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SC Court of Appeals

RE: NOTICE OF INTENT TO APPEAL
Clarence Ashby
1979-GS-02-00268

Dear Ms. Fox:

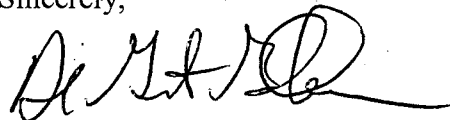
Please find enclosed copies of Notice of Intent to Appeal, Indictment 1979-GS-02-00268, Arrest Warrant and Sentence Sheet.

Clarence Ashby pled guilty to Murder and Armed Robbery, and was sentenced to life without parole on the murder and a consecutive sentence of 25 years on armed robbery. Pursuant to *Aiken v Byars*, 410 S.C. 534, 765 S.E.2d 572 (SC 2014), Mr. Ashby filed a pro se motion on October 14, 2016, asking to have his sentence re-litigated.

A hearing was held on February 28, 2017 before the Honorable Doyet A. Early. Judge Early issued his decision on the matter in an order dated March 20, 2017, denying Mr. Ashby relief.

I am available to discuss this case if you so desire.

Sincerely,



De Grant Gibbons
Circuit Public Defender

DGG:tpc
Enclosure

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL

Second Judicial Circuit
Public Defender
P.O. Box 2247
Aiken, South Carolina 29802



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SC Court of Appeals

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