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JUN 05 2017

S.C. SUPREME COURT

Joshua Cramer
#251406
Lieber C/I; SA-17
P.O. Box 205
Ridgeville, SC 29472

May 24, 2017

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

Dear Mr. Shearouse:

Enclosed for filing please find my NOTICE OF APPEAL, along with my correspondence with the York County clerk of court's office and Solicitor Willy Thompson. As of May 19th my motions have not been filed and Mr. Thompson has denied my request for a re-sentencing hearing and appointment of counsel.

No Judge has seen or ruled on my motions, however, with no other remedy available, I am appealing Mr. Thompson's decision.

Thank you for your time.

Sincerely,



Joshua Cramer

Cc: York County clerk

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM YORK COUNTY
Court of General Sessions

Indictment No.: 1998-GS-46-1015, -1016, -2192

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JUN 05 2017

S.C. SUPREME COURT

The State Respondent,
v.
Joshua Cramer Appellant.

NOTICE OF APPEAL

Joshua Cramer appeals his sentence in this case pursuant to Aiken v. Byars, 410 SC 534, 765 S.E.2d. 572 (2014). The sentence was imposed by the Honorable John C. Hayes, III on July 28, 1998. This appeal is taken from the May 15th letter from Deputy Solicitor Willy Thompson, which appellant received on May 19th, denying to schedule appellant a re-sentencing hearing, and the York County clerk of court's office, who failed to file appellant's motions for re-sentencing and appointment of counsel despite informing appellant his motions were filed.

May 24, 2017

S/ Joshua Cramer
Joshua Cramer
#251406
Lieber C/I, SA-17
P.O. Box 205
Ridgeville, SC 29472

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM YORK COUNTY
Court of General Sessions

Indictment No.: 1998-GS-46-1015, -1016, -2192

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JUN 05 2017

S.C. SUPREME COURT

The State Respondent,
v.
Joshua Cramer Appellant.

CERTIFICATE OF SERVICE

I, Joshua Cramer, hereby certify that I has served a true and correct copy of my NOTICE OF APPEAL to the SC Supreme Court on the below listed persons by depositing a copy of the same in the US mail, first-class postage affixed thereto, this 30th day of May, 2017.

York County Clerk's Office
P.O. Box 649
York, SC 29475

SC Appellate of Defense
P.O. Box 11589
Columbia, SC 29211

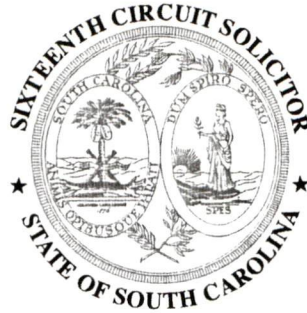
Daniel E. Shearouse
SC Supreme Court
P.O. Box 11330
Columbia, SC 29211

L.H. Benfield
Chief Admin. Judge, York County
P.O. Box 649
York, SC 29745

S/ Josh Cramer

Joshua Cramer
#251406
Lieber C/I, SA-17
P.O. Box 205
Ridgeville, SC 29472

May 24, 2017



KEVIN S. BRACKETT
SOLICITOR

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JUN 05 2017

S.C. SUPREME COURT

May 15, 2017

Josh Cramer #251406
Lieber CI, SA-17
PO Box 205
Ridgeville, SC 29472

Dear Mr. Cramer:

I am in receipt of your letter dated May 4, 2017. Your request for re-sentencing will not be scheduled. Since you were not under the age of 18 at the time of your crime, you do not qualify for a re-sentencing hearing.

Sincerely,

Willy Thompson
Deputy Solicitor

WWT/mac

Joshua Cramer
#251406
Lieber C/I, SA-17
P.O. Box 205
Ridgeville, SC 29472

May 4, 2017

Deputy Solicitor Willy Thompson
1675-1A York Highway
York, SC 29745

Re: Juvenile re-sentencing under Aiken v. Byars

Dear Mr. Thompson:

On Sept. 17, 2015 I filed a NOTICE AND MOTION FOR RE-SENTENCING and MOTION FOR APPOINTMENT OF COUNSEL pursuant to the rulings in Miller v. Alabama and Aiken v. Byars.

One year later on Sept. 19, 2016 I wrote Mr. Hamilton requesting any information regarding my motions. He responded on Oct. 3, 2016 saying the matter had been referred to you.

Can you please tell me the status of my motions and how you plan to handle my case?

Sincerely,



Joshua Cramer



CLERK OF COURT'S OFFICE

Post Office Box 649; York, South Carolina 29745

October 3, 2016

Joshua Cramer #251406
Lieber Corr Inst
PO Box 205
Ridgeville SC 29472

Our records indicate that you were 18 when you were arrested for the charges in this court, which may affect whether you qualify for juvenile resentencing. A copy of your letter and our reply letter are being forwarded to Deputy Solicitor Willy Thompson for further review.

General Sessions Division

Joshua Cramer
#251406
Lieber C/I; SA-17
P. O. Box 205

Sept. 19, 2016

The Honorable David Hamilton
Clerk of Court, York County
P. O. Box 649
York, SC 29745

Re: Juvenile Re-sentencing
The State v. Joshua Cramer, #251406
Indictment No.: 1998-GS-46-1015, -1016, -2192

Dear Mr. Hamilton:

On Sept. 17, 2015 I submitted a NOTICE AND MOTION FOR RESENTENCING and a MOTION FOR APPOINTMENT OF COUNSEL to your office for filing. I also enclosed a SASE, requesting a clock-stamped copy of each document.

You responded with a letter dated Sept. 23, 2015 confirming that my motions were filed and a copy was forwarded to the solicitor's office.

I haven't heard anything since nor have I received anything in regards to appointment of counsel. If possible, can you please tell me the status of my motions or if anything has been filed in response.

Thank you.

Sincerely,



Joshua Cramer



CLERK OF COURT'S OFFICE

Post Office Box 649; York, South Carolina 29745

September 23, 2015

Joshua Cramer #251406
Liber Corr Inst
PO Box 205
Ridgeville SC 29472

Your letters/motions regarding resentencing pursuant to Aiken v. Byars have been filed. A copy of these letters/motions has been forwarded to the Solicitor for further review.

General Sessions Division

Joshua Cramer
251406
Lieber C/I, SA-17
PO Box 205
Ridgeville, SC 29472

September 17, 2015

The Honorable David Hamilton
Clerk of Court, York County
PO Box 649
York, SC 29745

Re: The State v. Joshua Cramer, #251406
Indictment No.: 1998-GS-46-1015, -1016, -2192

Dear Mr. Hamilton:

Enclosed, please find the following original documents for filing in the above referenced criminal resentencing matter:

- 1.) Notice and Motion for Resentencing;
- 2.) Motion for Appointment of Counsel; and
- 3.) Certificate of Service

Please present these documents to the Circuit's Chief Administrative Judge at your earliest convenience.

Also, enclosed is one (1) extra copy of each document, please clock-stamp and return them to me for my files.

Your assistance in this matter is sincerely appreciated.

Sincerely,



Joshua Cramer
Defendant

cc: The Honorable Kevin Brackett, Solicitor

The state of South Carolina)
County of York)
THE STATE)
V.)
Joshua Cramer, #251406)

IN THE COURT OF GENERAL SESSIONS
SIXTEENTH JUDICIAL CIRCUIT
Indictment No.: 1998-GS-46-1015,-1016,-2192
NOTICE and MOTION FOR APPOINTMENT
OF COUNSEL FOR Aiken v. Byars,
RESENTENCING

NOW COMES, Joshua Cramer, the undersigned Defendant, appearing pro se solely for the filing of the instant motion, hereby moves this Honorable Court to appoint counsel to represent the Defendant at a resentencing proceeding to correct the July 28, 1998 sentence imposed by this court, in light of the South Carolina Supreme Court decision in Aiken v. Byars, Op. No. 27465, (filed November 12, 2014). In support of this motion the Defendant would show this Honorable Court the following:

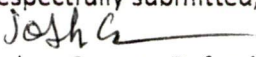
- 1.) The Defendant has entered a motion for resentencing before this Honorable Court;
- 2.) The Defendant was represented at the July 28, 1998 sentencing on the above indictments by Thomas A. McKinney, Esquire;
- 3.) The Sixth Amendment of the United States Constitution guarantees to all criminal defendants the right to the "Assistance of Counsel" in his defense, see Gideon v. Wainwright, 372 U.S. 335 (1963). The right to counsel attached at the initiation of adversarial judicial proceedings and extends to sentencing proceedings, see Williams v. Taylor, 529 U.S. 362 (2000);
- 4.) That South Carolina Constitution Article 1, Section 14 and South Carolina Code of Laws section 17-23-60 (1976) guarantee a criminal defendant the right to counsel; and
- 5.) In South Carolina, sentencing is a critical stage of trial that requires the assistance of counsel, see State v McGuinn, 268 S.C. 112, 232 S.E. 2d. 229 (1977).

The Defendant suggests that, out of an abundance of caution, counsel independent of original counsel to be appointed to represent the Defendant at the resentencing proceedings.

CONCLUSION

WHEREFORE, based upon the foregoing facts and law, Defendant respectfully moves this Honorable Court to appoint counsel to represent Defendant at the resentencing proceeding to be held by this Court in light of Aiken v. Byars.

Date: Sept. 17, 2015
Ridgeville, SC

Respectfully submitted,

Joshua Cramer, Defendant, Pro Se
251406
Lieber C/I, SA-17
PO Box 205
Ridgeville, SC 29472

The state of South Carolina)
County of York)
THE STATE)
V.)
Joshua Cramer, #251406)

IN THE COURT OF GENERAL SESSIONS
SIXTEENTH JUDICIAL CIRCUIT
Indictment No.: 1998-GS-46-1015,-1016,-2192

CERTIFICATE OF SERVICE

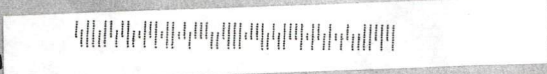
The undersigned Defendant, Joshua Cramer, hereby certifies that he has served a true and correct copy of 1.) NOTICE and MOTION FOR RESENTENCING PURSUANT TO Aiken v. Byars, and 2.) NOTICE and MOTION FOR APPOINTMENT OF COUNSEL on counsel for the State of South Carolina by depositing a copy of the same in the United States Mail, first-class postage affixed thereto, this 18th day of Sept., 2015, addressed as follows:

Kevin Brackett
1675-1A York Highway
York, SC 29745



Joshua Cramer
251406
Lieber C/I, SA-17
PO Box 205
Ridgeville, SC 29472
Defendant, Pro Se

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205
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TIME SENSITIVE MATERIAL

FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
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MAILED FROM ZIP CODE 29472



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U.S. POSTAGE
PAID
RIDGEVILLE, SC
29472
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Daniel E. Shearouse
Clerk of Court.
SC Sup. Court.
P.O. Box 11330
Columbia, SC 29211

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MAY 30 2017

MAIL ROOM
LIEBER C.I.

THE DEPARTMENT OF CORRECTIONS HAS NOT
INSPECTED OR CENSORED THIS ITEM; THEREFORE,
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY
FOR ITS CONTENTS.

LIEBER CORRECTIONAL INSTITUTION
S.C. DEPARTMENT OF CORRECTIONS

