

ATTORNEY OFFICE OF DONALD SMITH

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Anderson SC 29621
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Donald L. Smith, Esquire

Telephone: (864) 642-9284
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June 22, 2017

Robert Michael Dudek, Esquire
P O Box 11433
Columbia SC 29211-1433

RECEIVED

JUN 26 2017

SC Court of Appeals

RE: The State v. Michael Darren Duncan
Appellate Case No.: 2017-001252

Dear Mr. Dudek:

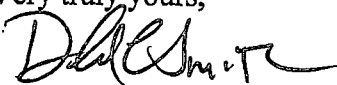
Please note that I have been unable to locate Mr. Duncan via the South Carolina Department of Corrections Incarcerated Inmate Search. I have enclosed the results of my inquiry regarding the last name Duncan. Since Mr. Duncan is 52, and none of the individuals listed are 52, it appears that Mr. Duncan does not exist. Thus, I offer my own statement as an Officer of the Court.

Michael Darren Duncan never paid me. His ex-wife paid approximately \$3500.00 of my \$5000.00 fee. I have not received any monies since the issuance of the verdict. In fact, I have not heard from her or Mr. Duncan since the day following the verdict. I know that the place that he was in at the time of the arrest had been lost due to his failure to pay his property taxes. He was a tenant in a place he had previously owned. He is indigent. If there is something more that I can do to help foster and facilitate his representation by your office, please alert me to this fact.

I have also enclosed proof of service of this declaration.

With highest regards, I remain

Very truly yours,



Donald L. Smith

DLS/ks

Enclosures

cc: The Honorable Jenny Abbott Kitchings
J. Benjamin Aplin, Esquire
Alan McCrory Wilson, Esquire
Lauren Davis Price, Esquire

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)

AFFIDAVIT OF INDIGENCY

Case Name The State v. Michael D. Duncan

Criminal Case No. 2016GS0400815

Current Address: 4344 Broad River Road, Columbia SC

Are you incarcerated? Yes No (If "Yes") Where? Kirkland

What were you convicted of? Trafficking Methamphetamine

What was your sentence? 12 years

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Are you appealing from

a trial, a guilty plea a post-conviction relief hearing?

JUN 26 2017

SC Court of Appeals

In what county was this trial/hearing/guilty plea held? Anderson

Presiding Judge's name? The Honorable R. Scott Sprouse

Date of trial/guilty plea or post-conviction relief hearing April 19, 2017

Were you represented by

a court-appointed attorney public defender or retained counsel?

Name of attorney/public defender? Donald L. Smith (SC Bar#6699)

If retained, how much did you pay for attorney fees? \$ 3,500.00 paid by ex-wife

If you still owe money to your attorney, how much? \$ 1,800.00

1. Are you presently employed? Yes No

a. If "yes," state the amount of your salary or wages per month, and give the name and address of your employer. _____

b. If "no," state the name and address of last employment, date of termination of employment, and amount of your salary or wages per month. _____

2. List by name, age and relationship to you, any persons who are dependent upon you for support. Indicate beside each how much you contribute toward their support. _____

3. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or form of self-employment?
Yes _____ No _____

b. Rent payments, interest or dividends?
Yes _____ No _____

c. Pensions, annuities or life insurance payments?
Yes _____ No _____

d. Gifts or inheritance?
Yes _____ No _____

e. Any other sources?
Yes _____ No _____

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months. _____

4. Do you own cash, or do you have any money in a checking or savings account?
Yes _____ No _____

If the answer is "yes," state the total amount of the cash owned. \$ _____

5. Do you own any real estate, stocks, bonds, notes or other valuable property (excluding ordinary household furnishings and clothing)? Yes _____ No _____

If the answer is "yes," describe the property and state the appropriate value of the items owned. _____

6. What kind of motor vehicle do you own? _____

Is it paid for? Yes _____ No _____

If not, what are the monthly payments? \$ _____

7. How much do you owe (on liens, mortgages, other encumbrances or debts)? _____

I do solemnly swear that the account by me delivered into this Court does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I, or any person in trust for me, have or at the time of my possession had, or am, or was, in respect, entitled to, in possession, remainder or reversion and that I have not at any time since charges were made against me or before, directly or time since charges were made against me or before, directly or indirectly sold, leased, assigned or otherwise disposed of or made over, in trust for myself or otherwise, other than is mentioned herein.

I understand that the State shall file a claim against me in an amount equal to the cost for representation, but that such claim shall not constitute a lien against my property, unless, the claim is reduced to judgment by the Order of the Court after giving me at least thirty days' notice.

Under penalty of perjury, I certify that the information give by me on this affidavit is true and correct, and I understand that I will be subject to civil and/or criminal penalties if I knowingly furnish false information.

I am financially unable to employ counsel.

This _____ day of _____, ____.

Defendant

I understand that I am entitled to at least thirty days' notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

This _____ day of _____, ____.

Defendant

SUBSCRIBED AND SWORN to before
me this _____ day of _____, ____.

NOTARY PUBLIC FOR SOUTH CAROLINA

My commission Expires: _____

INCARCERATED INMATE SEARCH

SCDC ID: SID:
 First Name: Last Name: Phonetic Match

SCDC ID	Name	Sex	Race	Height	Weight	Age
00290136	DUNCAN , ADAM REID	MALE	WHITE	5' 11"	191	34
00362298	DUNCAN , CAMERON NEAL	MALE	WHITE	5' 11"	180	20
00304259	DUNCAN , CHARLES MARCUS	MALE	WHITE	6' 03"	290	33
00322037	DUNCAN , DAMON SHAMAR	MALE	BLACK	5' 06"	152	29
00359701	DUNCAN , DEVRON JAKELL	MALE	BLACK	5' 10"	180	24
00213310	DUNCAN , GENE	MALE	WHITE	5' 09"	153	65
00302449	DUNCAN , JIMMY EDWARDS	MALE	WHITE	5' 07"	208	47
00344423	DUNCAN , JOHN BROOKS HAL	MALE	WHITE	5' 11"	165	26
00222135	DUNCAN , JOHN WILLIAM	MALE	WHITE	5' 05"	185	60
00335280	DUNCAN , JOHNTRAIL LORQUARIUS	MALE	BLACK	5' 07"	187	26

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 SC Court of Appeals

26 Inmates Found

SEARCH INSTRUCTIONS

1. If you know an inmate's SCDC number or his/her State Identification (SID), enter the number in the appropriate box above and "click" on the "Submit" button.
2. If SCDC number and SID are unknown, leave these boxes blank and enter the name of the inmate for whom you are searching. If you are unsure of an inmate's first name, leave it blank.
3. If you are unsure of how a name is spelled, "click" on the "Phonetic Match" check box. A phonetic search will return all inmate records that sound similar to the name you entered. If you leave "Phonetic Match" blank, the system will return only those records that begin with the letters of the name you entered.
4. After clicking "submit," all incarcerated inmates who match the SCDC ID, SID or name search criteria will be listed ten inmates at a time. If the search results produces more than one page, use the arrow controls at the bottom of the list to scroll from page to page.
5. To view detailed information for an inmate, simply hover over the row containing the inmate of interest and "click". The inmate's search detail report will be displayed as a PDF file in a new browser window. If details about another inmate are desired, repeat this step.
6. To view a glossary of terms and descriptions used in the Inmate Search Detail Report, click on the following link: [Glossary](#).



INCARCERATED INMATE SEARCH

SCDC ID:
SID:

First Name:
Last Name:
 Phonetic Match

SCDC ID	Name	Sex	Race	Height	Weight	Age
00306666	DUNCAN , JOSHUA	MALE	BLACK	6' 01"	165	30
00292775	DUNCAN , JOSHUA MICHAEL	MALE	WHITE	6' 01"	210	34
00370958	DUNCAN , KATINA LYNN	FEMALE	WHITE	5' 00"	171	38
00218781	DUNCAN , KENNETH BERNARD	MALE	BLACK	5' 11"	225	54
00338129	DUNCAN , LATAVIUS	MALE	BLACK	5' 11"	190	28
00358283	DUNCAN , MARQUISE DEOANTRE	MALE	BLACK	6' 00"	193	27
00349736	DUNCAN , MYERS STEVEN	MALE	WHITE	5' 10"	208	62
00372069	DUNCAN , RAKEEM TYQUAN	MALE	BLACK	5' 07"	138	23
00372745	DUNCAN , RANDALL KYLE	MALE	WHITE	5' 09"	150	30
00321796	DUNCAN , RANDY	MALE	BLACK	6' 00"	176	30

26 Inmates Found

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INCARCERATED INMATE SEARCH

SCDC ID: **SID:**
First Name: **Last Name:** **Phonetic Match**

SCDC ID	Name	Sex	Race	Height	Weight	Age
00281714	DUNCAN , ROBERT BRANDON	MALE	WHITE	5' 08"	158	33
00284891	DUNCAN , SCOTT VELD	MALE	WHITE	5' 07"	266	46
00364113	DUNCAN , TERRANCE CHAVTZ	MALE	BLACK	5' 09"	151	26
00280234	DUNCAN , WALLACE JR.	MALE	BLACK	5' 07"	150	38
00364103	DUNCAN II , DAMON RUSSELL	MALE	WHITE	5' 10"	135	31
00321581	DUNCAN, JR. , JAMES ALBERT	MALE	WHITE	5' 10"	229	32

26 Inmates Found

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**FORM 7
PROOF OF SERVICE
LETTER TO CLERK**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of General Sessions

R. Scott Sprouse, Circuit Court Judge

Appellate Case No: 2017-001252

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SC Court of Appeals

Michael Darren Duncan,

Appellant,

v.

The State of South Carolina,

Respondent.

PROOF OF SERVICE LETTER TO CLERK

I, Donald L. Smith, , hereby certify that I have, on the date indicated below, filed a Letter to the Clerk of Court by mailing a copy of the same via United States Mail. Postage pre-paid and return address clearly indicated on said envelope, to The Honorable Jenny Abbott Kitchings, Clerk South Carolina Court of Appeals, PO Box 11629, Columbia SC 29211, Robert Michael Dudek, Esquire, PO Box 11433, Columbia SC 29211-1433, Attorney General Alan Wilson, PO Box 11549, Columbia SC 29211, J. Benjamin Aplin, Esquire, PO Box 11549, Columbia SC 29211 and Tenth Judicial Solicitor's Office, Lauren Davis Price, Esquire, PO Box 8002, Anderson SC 29622.

Date: June 22, 2017


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June 22, 2017

The Honorable Jenny Abbott Kitchings
Clerk South Carolina Court of Appeals
PO Box 11629
Columbia SC 29211

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SC Court of Appeals

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Appellate Case No.: 2017-001252**

Dear Ms. Kitchings:

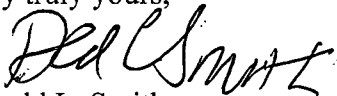
Please find enclosed the following materials which I am filing with the Court of

Appeals:

1. Letter to Robert Michael Dudek, Esquire;
2. Affidavit of Indigency;
3. South Carolina Incarcerated Inmate Search; and,
4. Proof of Service for same.

With highest regards, I remain

Very truly yours,



Donald L. Smith

DLS/kn

Enclosures

cc: Robert Michael Dudek, Esquire
Lauren Davis Price, Esquire
The Honorable Alan Wilson
J. Benjamin Aplin, Esquire

Attorney Office of Donald Smith
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Andeson SC 29621



The Honorable Jenny Abbott Kitchings
Clerk South Carolina Court of Appeals
PO Box 11629
Columbia SC 29211

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