

MATT RIVERS
Fourth Circuit Public Defender
101 W. Main Street, STE B
Chesterfield, South Carolina 29709
(843) 623-3020 (office)

RECEIVED

SEP 05 2017
SC Court of Appeals

August 30, 2017

Thomas Jeffery Stewart-SCDC # 353430
MA-121-B
Broad River Correctional Institute
4460 Broad River Road
Columbia, South Carolina 29210

2017 AUG 31 PM 3:28
Wanda C. Miles
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

RE: Appeal

Dear Thomas:

I filed the enclosed Notice of Appeal with explanation of the issues thereto for you on June 29, 2017 as previously discussed. However, per the enclosed from the South Carolina Court of Appeals dated July 6, 2017, the Court found that the explanation failed to show that there was an issue that was raised to and ruled upon by the plea court or a citation to any authority showing how the issue raised could be reviewed on appeal. Hence, pursuant to the Court's most recent letter to me dated August 23, 2017 you have twenty (20) days from the date of this letter to inform said South Carolina Court of Appeals in writing of any arguable basis that there are issues preserved for appeal. The Court's address for same is as follows:

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

Sincerely yours,

Susan P. Nessell for
Matt Rivers
Fourth Circuit Public Defender

Cc: ~~The SC Court of Appeals, Clerk~~

Enclosures

A True Copy Attest

Wanda C. Miles
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of General Sessions

Paul M. Burch, Circuit Court Judge

Case No. 2010-GS-13-0192

The State,

Respondent,

v.

Thomas Jeffery Stewart,

Appellant.

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SC Court of Appeals

NOTICE OF APPEAL

This appeal stems from Appellant's plea per North Carolina v. Alford U.S. 25, S. Ct.160, 27 L.Ed. 2d 162 (1970), and as directed by my client. The issues, per explanation, are as follows: whether the plea herein was made by Appellant while under duress, emotional stress, or panic thereby rendering his alleged waiver of his jury trial rights as not freely and voluntarily given (the Appellant, and the court, paused at length during the plea at issue and Appellant stated to the court that he was quite emotional and stressed at the timing and nature of the plea) and whether the videotaped statement of Appellant, allowed into evidence per hearing on prior motions of suppression and Jackson v. Denno 378 U.S. 368 (1964) was tampered with or otherwise altered so as to constitute false evidence which should not have been so ruled admissible by the court.

June 29, 2017

J. Matthew Rivers
Fourth Circuit Public Defender
101 W. Main Street, STE B
Chesterfield, South Carolina 29709
(843) 623-2286
Attorney for Appellant

Other Counsel of Record:
Kernard R. Redmond
Fourth Circuit Assistant Solicitor
Post Office Box 594
Chesterfield, South Carolina 29709
(843) 623-3265
Attorney for Respondent



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11829
COLUMBIA, SOUTH CAROLINA 29211
1229 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 06, 2017

Mr. James Matthew Rivers, Esquire
101 WEST MAIN STREET SUITE B
Chesterfield SC 29709

Re: The State v. Thomas Stewart (2)
Appellate Case No. 2017-001473

Dear Counsel:

The Court received your notice of appeal and Rule 203(d)(1)(B)(iv), SCACR, guilty plea explanation. However, your explanation fails to show that there is an issue that was raised to and ruled upon by the plea court or cite to any authority showing how the issues raised can be reviewed on appeal. You must provide a supplemental explanation within ten days of the date of this letter or the appeal will be dismissed for failure to provide a sufficient guilty plea explanation.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny Abbott Kitchings".

CLERK

cc: Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire
Kernard Edward Redmond, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 23, 2017

Mr. James Matthew Rivers, Esquire
101 WEST MAIN STREET SUITE B
Chesterfield SC 29709

Re: The State v. Thomas Stewart (2)
Appellate Case No. 2017-001473

Dear Counsel:

This Court has received your explanation for appealing.

Please forward your explanation to your client, along with a statement that your client has twenty (20) days from the date of your transmittal letter to inform this Court in writing of any arguable basis that there are issues preserved for appeal. Please provide your client with the Court's address:

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

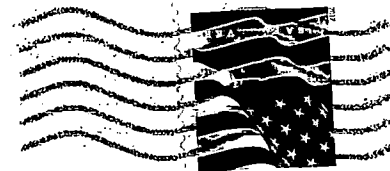
Please send your letter to your client within ten (10) days, with a copy to this Court, or this appeal may be dismissed.

Very truly yours,


CLERK

**FOURTH CIRCUIT
PUBLIC DEFENDER**
101 WEST MAIN STREET, SUITE B
CHESTERFIELD, SOUTH CAROLINA 29709

CHARLOTTE NC 282
31 AUG 2017 PM 6 L



The South Carolina Court of Appeals
Clerk, Jenny A. Kitchings
PO Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

25211-162929

