

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

FILED

2017 SEP 28 A 11:11

APPEAL FROM CALHOUN COUNTY  
Court of General Sessions

KENNETH HASTY  
CLERK OF COURT  
CALHOUN COUNTY  
ST. MATTHEWS, SC

Diane S. Goodstein, Circuit Court Judge

Probation Warrant No. # W-09-17-0002

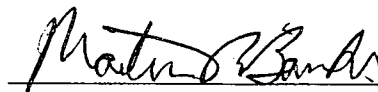
The State, Respondent,  
v.  
Derrick N. Stone, Appellant.

NOTICE OF APPEAL

Derrick N. Stone, appeals his determination and sentence in this Violation of Probation case. The sentence was imposed by the Honorable Diane S. Goodstein on September 19, 2017.

At the outset of the hearing a motion for continuance was improperly denied. It was based on having only met with the client the day before, and the information provided in that meeting revealed witnesses that would have refuted some of the infractions in the warrant. In addition, Mr. Stone had suffered a heat stroke which had damaged his brain. He was suffering from amnesia and impaired capacity. Counsel informed the court that Mr. Stone was having great difficulty assisting in his own defense. There were also violations cited that were utterly incorrect, but ignored when addressed with the agent prior to the hearing.

September 28, 2017



Martin R. Banks

716 F. R. Huff Drive

St. Matthews, SC 29135

803-874-2100 Tel.

Attorney for Appellant

Other Counsel of Record:

Unknown assigned atty. at SCDPP&PS

2221 Devine Street, Suite 600

P.O. Box 50666

Columbia, SC 29250

(803)734-9220

Attorney for Respondent

cc:

Kenneth Wright SCDPP&S Agent

120 Mill Street, St. Matthews, SC 29135

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SEP 29 2017

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The State,

Respondent,

v.

Derrick N. Stone,

Appellant

PROOF OF SERVICE

**RECEIVED**

SEP 29 2017

SC Court of Appeals

I certify that I have served the Notice of Appeal on Kenneth Wright by personally delivering a copy of it to his office, on September 28, 2017, addressed to the Probation Officer of record, Probation Pardon and Parole Office, 120 Mill Street, St. Matthews, SC 29135.

I also certify that I have served the Notice of Appeal on the General Counsel's Office of SSCP&P by mailing a copy of it to his office, on September 28, 2017, addressed to the General Counsel of record, Probation Pardon and Parole Office, 2221 Devine Street, Suite 600, P.O. Box 50666, Columbia, SC 29250.

September 28, 2017



Martin R. Banks

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803-874-2100 Tel.

Attorney for Appellant

CALHOUN COUNTY PUBLIC DEFENDER  
MARTIN R. BANKS

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PHONE (803) 874-2100

September 28, 2017

Court of Appeals  
Jenny Abbott Kitchings  
P.O. Box 11629  
Columbia, SC 29211

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RE: Derrick N. Stone  
Probation Warrant # W-09-17-0006

SEP 29 2017

SC Court of Appeals

Dear Ms. Kitchings:

Please find enclosed a copy of the filed Notice of Appeal (Final Order attached) and Proof of Service in the above case.

If you have any questions do not hesitate to contact me.

Sincerely,



Martin R. Banks, Public Defender

716 F.R. Huff Drive

St. Matthews, SC 29135

803-874-2100 Tel.

SC Bar # 65466

(This appeal will be transferred to  
the state Office of Appellate Defense.)

cc:

Unknown assigned atty. at SCDPP&PS

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Attorney for Respondent

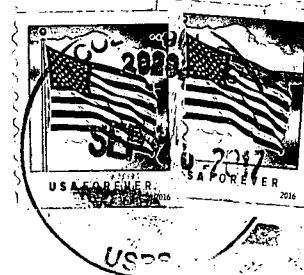
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