

FORM 8
LETTER TO THE APPEALS COURT CLERK

October 18, 2017

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

RECEIVED

OCT 23 2017

SC Court of Appeals

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

Dear Honorable Kitchings:

In response to the letter of this Honorable Court, dated October 9, 2017, the undersigned counsel respectfully informs your good office that the Office of the Chief Appellate Defender has taken over the appeal of the abovementioned case.

Please find enclosed the following documents and/or correspondences between my office and the Chief Appellate Defender's Office, to wit:

- (1) A copy of Appellant's Letter, dated August 31, 2017; and,
- (2) A copy of Chief Appellate Defender's Letter, dated October 18, 2017.

Sincerely,



Donald L. Smith, (SC Bar#6699)
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

October 18, 2017
Anderson, SC

cc:

Mr. Robert M. Dudek, Esquire, Chief Appellate Defender
Ms. Lauren Duncan Price, Esquire, Assistant Solicitor for the
Tenth Judicial Circuit
Alan McCrory Wilson, Esquire, South Carolina Attorney General

ATTORNEY OFFICE OF DONALD SMITH

122 N. Main St.
Anderson, SC 29621
attorneydonaldsmith@gmail.com

Donald L. Smith, Esquire

Telephone: (864) 642-9284
Facsimile: (864) 642-9285

August 31, 2017

Mr. Robert M. Dudek, Esquire
Chief Appellate Defender
Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, SC 29201

Re: The State v. Michael Darren Duncan
Warrant No. 2016-GS-04-00815
Appellate Case No.: 2017-001252

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OCT 23 2017


SC Court of Appeals

Dear Mr. Dudek:

Please find enclosed a copy of the Affidavit of Indigency of Mr. Michael Darren Duncan for the above reference case. Also enclosed is a disk containing the entire files for Mr. Norman.

If you have any questions or concerns, please call me.

With highest regards, I remain
Very truly yours,


Donald L. Smith
DLS/aaf
Enclosures

STATE OF SOUTH CAROLINA

COUNTY OF Anderson

AFFIDAVIT OF INDIGENCY

Case Name MICHAEL DARREN DUNCAN

Criminal Case No. 2016GS0400815

Current Address: 200 PRISON RD EDWEE 29335

Are you incarcerated? Yes (If "Yes") Where? Tyger River
 No

What were you convicted of? Trafficking

What was your sentence? 12 YEARS @ 85%

Are you appealing from a trial, a guilty plea a post-conviction relief hearing?

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

Presiding Judge's name? SCOTT R SPROUSE

Date of trial/guilty plea or post-conviction relief hearing _____

Were you represented by a court-appointed attorney public defender or retained counsel?

Name of attorney/public defender? DONALD SMITH

If retained, how much did you pay for attorney fees? \$ 5000.00

If you still owe money to your attorney, how much? \$ 1400.00

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. self employed

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? 1994 Ford Truck

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)? 0

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 23 day of August, 17.

Mike Duncan
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 23 day of August, 17.

Mike Duncan
Defendant

SUBSCRIBED AND SWORN to before
me this 23rd day of August, 2017.

Paul Owen Carr
NOTARY PUBLIC FOR SOUTH CAROLINA

My commission Expires: Dec. 10, 2024



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

October 18, 2017

Donald L. Smith, Esquire
122 N. Main Street
Anderson, SC 29621

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OCT 23 2017

SC Court of Appeals

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

Dear Mr. Smith:

The Chief Appellate Defender has reviewed the Affidavit of Indigency we recently received for the above case and has now approved for this office to perfect the appeal for Mr. Duncan.

Please contact me if you should have any questions concerning this matter.

Sincerely,

Rhonda Foxworth
Legal Services Coordinator

cc: S.C. Court of Appeals

**FORM 7
PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

J. John C. Hayes, III

C.A.: 2016-GS-04-00815
Appellate Case No. 2017-001252

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OCT 23 2017

SC Court of Appeals

State of South Carolina,
v.

Michael Darren Duncan


Respondent,

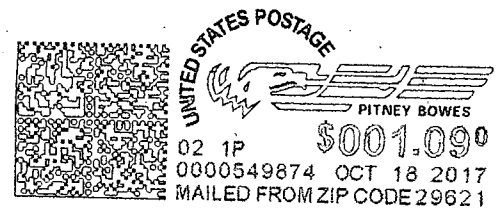
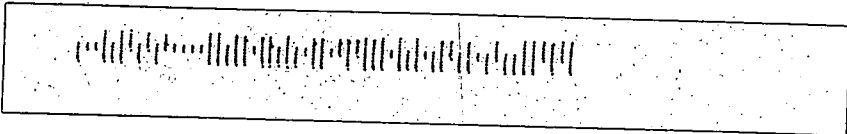
Appellant.

PROOF OF SERVICE

I certify that I have served a copy of Appellant's Letter to the Appeals Court Clerk, upon The Honorable Jenny Abbott Kitchings, Clerk of Court South Carolina Court of Appeals, PO Box 11629, Columbia SC 29211, South Carolina Attorney General Alan McCrory Wilson at PO Box 11549, Columbia, SC 29211, Assistant Solicitor for Tenth Judicial Circuit Lauren Price, at PO Box 8002, Anderson, SC 29622, and Mr. Robert M. Dudek, Esquire at 1330 Lady Street, Suite 401, Columbia, SC 29201, by depositing a copy of it in the United States Mail, postage prepaid, on October 18, 2017.

October 18, 2017


Donald L. Smith, Esquire
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Anderson SC 29621
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Attorney Office of Donald Smith
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Anderson, SC 29621

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Clerk of Court South Carolina Court of Appeals
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