



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender  
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October 31, 2017

RECEIVED  
OCT 31 2017  
SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: State v. Dexter L. Myers, Appellate Case No. 2015-001881

Dear Ms. Kitchings:

On September 28, 2016, this Court remanded the above-referenced case to the circuit court for the limited purpose of disposition of the motion to reconsider the sentence. On October 24, 2017, I learned Judge Cole denied the post-trial motion without a hearing. It is my understanding that the order was filed on May 2, 2017, but the parties did not receive notice of the motion. A copy of the order is enclosed. The ruling on the motion was discovered on October 24, 2017, when trial counsel reviewed the Clerk of Court's file in the case. I obtained a copy of the order today.

**In light of this development, I respectfully request this Court no longer hold this appeal in abeyance.** Further, in light of the judge's denial without a hearing, there is no additional issue to raise in regard to the disposition of the motion to reconsider. Therefore, I do not request an opportunity to file an amended brief and designation of matter. The brief filed on June 1, 2016, will be Appellant's brief in the case.

If you need additional information, please do not hesitate to contact me.

Sincerely,

Susan B. Hackett  
Appellate Defender

Enclosure: Order dated May 2, 2017 & cover letter

cc: William M. Blich, Jr., Esquire (w/ enclosure)  
Tracy Pinnock, Esquire (w/ enclosure)  
Dexter L. Myers (w/ enclosure)



State of South Carolina  
The Circuit Court of the Seventh Judicial Circuit

J. Derham Cole  
Judge

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180 Magnolia Street, 2nd Floor  
Spartanburg, SC 29306  
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May 2, 2017

The Honorable Jeanette W. McBride  
Richland County Clerk of Court  
Post Office Box 2766  
Columbia, South Carolina 29202-2766

Dear Ms. McBride:

Enclosed you will find an order signed by Judge Cole in the matter of the State of South Carolina vs. Dexter L. Myers.

Please have staff clock the order upon receipt and certify copies to each counsel represented in the Order.

Thank you for your assistance in this matter.

Respectfully,

Sue B. Pardue  
Assistant to the Honorable J. Derham Cole

Enclosure: Order

FILED  
J. W. COLE  
C. C. P. & G. S.  
-9 AM/1600

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5481

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
The STATE of South Carolina, )  
Prosecutor, )  
-vs- )  
Dexter L. MYERS, )  
Defendant. )

IN THE COURT OF GENERAL SESSIONS

**ORDER**

**Denying Post-trial Motion**

Indictment No. ~~2015-GS-40-05481~~  
**2015-GS-40-05482**

2014A5010500199

2017 MAY 9 AM 11:00  
SEAN C. WILSON  
CLERK OF COURT

This matter is before this Court on motion of the defendant, pursuant to Rule 29, SCRCrimP, seeking this Court's reconsideration of the sentences imposed by the Court after conviction.

The State is represented in this matter by Kathryn Campbell Hubbard of the office of the Fifth Judicial Circuit Solicitor and the defendant is represented in this matter by Tracy Elaine Pinnock of the office of the Fifth Judicial Circuit Public Defender.

The defendant was found guilty by a jury of the crimes of voluntary manslaughter and attempted murder and sentenced by the Court to 30 years on the manslaughter indictment and a consecutive 20 year sentence on the attempted murder indictment.

The defendant now seeks a reconsideration of the sentence imposed by the Court, although no information has been presented that was not presented and considered by the Court at the post-trial sentencing proceeding held in this matter.

This Court finds that the sentences imposed are appropriate when considered in light of the relevant facts and information presented at the trial and post-trial proceedings.

This Court therefore finds the defendant's motion to reconsider should be and is **denied**.

May 2, 2017

  
J. DERHAM COLE, Presiding Judge  
The Seventh Judicial Circuit Court