

NOTICE OF INTENT TO APPEAL
STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM CHARLESTON COUNTY
HONORABLE JUDGE J.C. NICHOLSON

RECEIVED

NOV 29 2017

SC Court of Appeals

Indictment:

2014GS1002602

STATE OF SOUTH CAROLINA,
Respondent

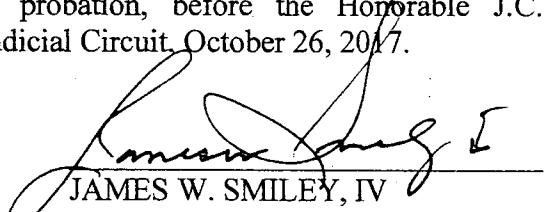
VS.

STEWART J. MIDDLETON,
Appellant

FILED
2017 NOV -3 AM 10:43
CLERK OF COURT
BY

NOTICE OF APPEAL

The Defendant appeals a verdict of guilty to the charge of CRIMINAL SEXUAL CONDUCT THIRD DEGREE and a sentence of SIX years suspended upon the service of SIX months followed by FIVE years probation, before the Honorable J.C. NICHOLSON, Presiding Judge of the Ninth Judicial Circuit, October 26, 2017.


JAMES W. SMILEY, IV
58 BROAD STREET, SUITE 2E
CHARLESTON, SC 29401
Jamessmiley@me.com

Other counsel of record:
Andrew Evans, Esquire
Assistant Solicitor
Ninth Judicial Circuit
101 Meeting St.
Suite 400
Charleston, SC 29401

CERTIFICATE OF SERVICE

Indictment:
2014GS1002602

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SC Court of Appeals

STATE OF SOUTH CAROLINA,
Respondent

VS.

STEWART J. MIDDLETON,
Appellant

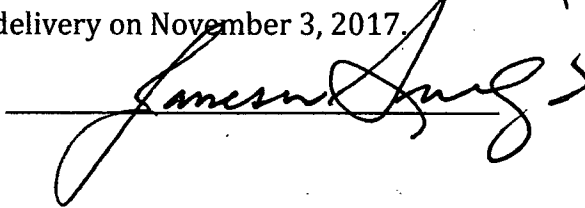
BY _____

JULIE A. ARMSTRONG
CLERK OF COURT

2017 NOV -3 AM 10:43

FILED

I hereby certify that this NOTICE OF INTENT TO APPEAL was served on the Solicitor for the 9th Judicial Circuit by hand delivery on November 3, 2017.



APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Judge J. C. Nicholson, Circuit Court Judge

RECEIVED

NOV 29 2017

DOCKET #; 2014-GS-10-02602

SC Court of Appeals

State of South Carolina, Respondent.

v.

Stewart J. Middleton, Appellant.

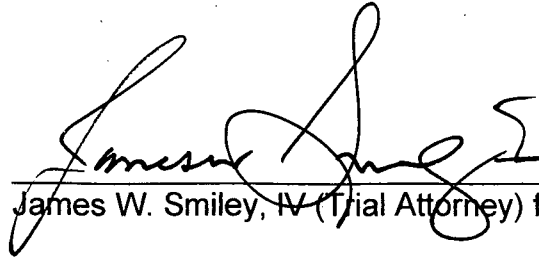
MOTION TO PROCEED WITHOUT COSTS IN THE APPELLATE COURT

Stewart J. Middleton, moves for an order allowing him to proceed *in forma pauperis* in this appeal, on the following grounds.

Appellant is indigent. He appeals a verdict of guilty following a trial in the above referenced matter. Although he was able to nominally retain counsel for his trial, the appellant is unemployed and has been incarcerated since October 26, 2017.

Defendant is an indigent. Defendant therefore respectfully that he be allowed to proceed *in forma pauperis* in this appeal, taken under Ex Parte Cauthen, 291 S.C. 465, 354 S.E.2d 381 (1987).

Defendant additionally requests that the South Carolina be ordered to pay for the entire trial transcript costs.

A handwritten signature in black ink, appearing to read "James W. Smiley, IV", is written over a horizontal line.

James W. Smiley, IV (Trial Attorney) for Stewart J. Middleton

Other Counsel of Record:

9th Circuit Solicitor's Office
Attn: Drew Evans, Esquire
101 Meeting Street, 4th Floor
Charleston, SC 29402

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Judge J.C. Nicholson, Circuit Court Judge

DOCKET #; 2014-GS-10-02602

RECEIVED
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SC Court of Appeals

State of South Carolina, Respondent.

v.

Stewart J. Middleton. Appellant.

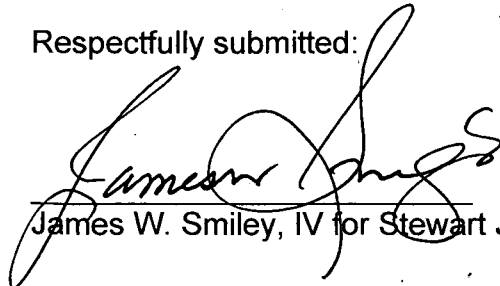
REQUEST FOR REPRESENTATION ON APPEAL

On behalf of the request of the above named Appellant, to be represented by the South Carolina Commission of Appellate Defense, the undersigned defendant would show unto this Honorable Court:

1. That he has been in custody since October 26, 2017.
2. That he is unemployed.
3. That he was convicted and sentenced on the above captioned charge on October 26, 2017 after a Jury Trial.
4. That he is unable to afford to hire counsel to pursue his appeal.
5. Defendant/Appellant has been informed that he may request assistance from the South Carolina Commission of Appellate Defense in perfecting his appeal.
6. A timely Notice of Appeal has been filed on the DefendantAppellant's behalf.
7. Defendant /Appellant has been informed that nothing requires that office to pursue this appeal unless the office's Chief Attorney is satisfied that there is arguable merit to this appeal and that he cannot afford to hire an attorney.

At this time, the Defendant Appellant requests the aid of the South Carolina Commission of Appellate Defense in perfecting his appeal.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "James W. Smiley, IV". The signature is fluid and cursive, with a large loop at the end.

James W. Smiley, IV for Stewart J. Middleton

Other Counsel of Record:

9TH Circuit Solicitor's Office
Attn: Drew Evans, Esquire
101 Meeting Street 4th Floor
Charleston, SC 29401

The Law Office of James W. Smiley, IV



58 Broad Street, Suite 2E • Charleston, South Carolina 29401 • Phone: (843)744-6300 • Fax: 1(888)814-8678
E-Mail: jamesmiley@me.com

Monday, November 27, 2017

Ms. Amanda K. Haffenden

Post Office Box 424
Summerville, South Carolina 29484

RECEIVED
NOV 29 2017
SC Court of Appeals

Re: State v. Stewart J. Middleton

DOCKET #; 2014-GS-10-02602

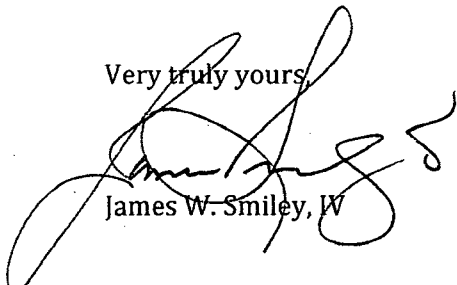
Dear Ms. Haffenden:

Please be advised that I have filed a Notice of Appeal in the above referenced case. Therefore, the Plaintiff will need a transcript of the proceedings. This case was heard before Judge J. C. Nicholson on October 23 - 26, 2017 as a Trial in Charleston County General Sessions Court.

I have filed a Request for Representation on Appeal and Motion to Proceed without costs on behalf of Mr. Middleton with the Court of Appeals. In my motion, we have asked that the State be required to pay the costs of the full transcript.

Should you have any questions or require anything further from me in order to prepare this transcript, please do not hesitate to call me.

Very truly yours,


James W. Smiley, IV

Copy to: client

Clerk of Court, Court of Appeals
Andrew Evans, Esq. 9th Circuit Solicitor's Office

The Law Office of James W. Smiley, IV



58 Broad Street, Suite 2E • Charleston, South Carolina 29401 • Phone: (843)744-6300 • Fax: 1(888)814-8678
E-Mail: james-smiley@me.com

Monday, November 20, 2017

The Honorable Kenneth A. Richstad
Clerk of Court, SC Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RECEIVED
NOV 29 2017
SC Court of Appeals

Re: State of South Carolina v. Stewart J. Middleton

INDICTMENT #; 2014GS1002602

Dear Mr. Richstad:

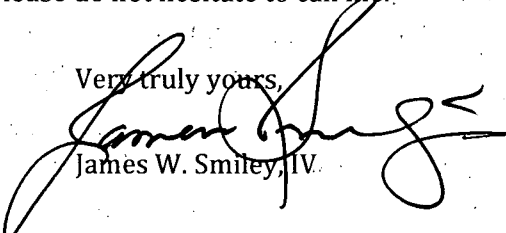
Enclosed please find for filing two copies of our Notice of Appeal in the above referenced matter which was filed with the Clerk of Court for Charleston County General Sessions on November 3, 2017 along with proof of service upon the 9th Circuit Solicitor's Office.

I have also enclosed a Motion to Proceed without costs in the Appellate Court on behalf of Mr. Middleton.

Thirdly, I have enclosed a Request for Representation on Appeal. By copy of this letter, I am forwarding these documents to the South Carolina Commission of Appellate Defense, as well as to the Clerk of Court, Charleston County Court of General Sessions and all parties of record.

Finally, I have requested a copy of the transcript in this matter and have enclosed for filing a copy of my letter to court reporter, in that regard. Should you have any questions or require further information, please do not hesitate to call me.

Very truly yours,


James W. Smiley, IV

Copy to: Clerk of Court, Charleston County General Sessions Court
Andrew Evans, Esquire, 9th Circuit Solicitor's Office

JW SMILEY
58 BROADST DE
CHAS SC 29401



THE HONORABLE KENNETH A. RICHSTAD
CLERK OF COURT, SOUTH CAROLINA COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA, SC 29211

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NOV 29 2017

SC Court of Appeals

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