

THE
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December 27, 2017

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

Re: Jermaine Cobbs, #353719 vs. The State
Appellate Case No.: 2016-CP-08-00593

RECEIVED
DEC 29 2017
SC Court of Appeals

Dear Appeals Court Clerk:

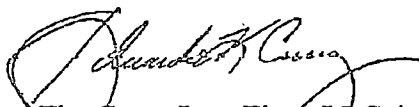
Enclosed please find the original and two (2) copies of the following:

1. Notice of Intent to Appeal

Please file the original and return two clocked copies to me in the self addressed stamped envelope provided for you.

Should you have any questions, please do not hesitate to contact me.

Sincerely,


The Curry Law Firm, LLC
Eduardo K. Curry, Esquire

EKC/pw

Enclosures

cc: Julie A. Coleman, Esquire
Mr. Jermaine Cobbs
Mr. and Mrs. Jameson
Office of Indigent Defense

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JAN 05 2018

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BERKELEY)
)
 Jermain Cobbs, #353719,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 2013-CP-08-2751

**ORDER OF DISMISSAL
 WITHOUT PREJUDICE**

FILED
 2015 APR 13 AM 11:17
 CLERK OF COURT
 BERKELEY COUNTY, SC
 [Handwritten initials]

This matter comes before this Court by way of an application for post-conviction relief filed December 12, 2013. The Respondent made its Return and Motion to Dismiss requesting that this Court dismiss the application without prejudice.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Berkeley County Clerk of Court. The Applicant was indicted at the October 2010 and September 2012 terms of the Berkeley County Grand Jury for trafficking cocaine 10-28 grams (2012-GS-08-1787), trafficking cocaine base 200-400 grams (2010-GS-08-1722), and distribution of cocaine- first offense (2010-GS-08-1724). The Applicant was represented by Bill Thrower, Esquire.

On December 20, 2012, the Applicant pled guilty to the lesser included offenses of trafficking cocaine base 28-100 grams, possession with intent to distribute (PWID) cocaine, and the indicted offense distribution of cocaine. The Honorable R. Markley Dennis, Jr. sentenced the Applicant to confinement for a negotiated period of eighteen years for PWID cocaine and trafficking cocaine base and time served (twenty-seven months) for distribution of cocaine. The sentences are to be served concurrently. Upon information and belief, the Applicant filed a

[Handwritten signature]

motion to reconsider on March 19, 2013 which is still pending before the Court. The Applicant did not appeal his convictions or sentences.

Before this Court are the records of the Berkeley County Clerk of Court regarding the subject convictions, the records of the South Carolina Department of Corrections, the Motion for Reconsideration dated March 19, 2013, the current PCR application, and the State's Return and Motion to Dismiss thereto.

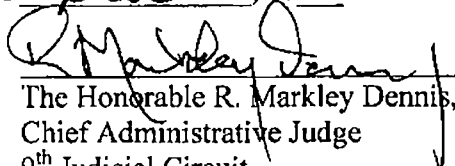
In his current application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel.

The Applicant's Motion for Reconsideration is still pending. Applicant's post-conviction relief matter is not properly before this Court until the General Sessions motion has been ruled upon. Therefore, this Court dismisses the PCR application without prejudice so the General Sessions Court may rule on the pending motion.

IT IS THEREFORE ORDERED THAT the application for post-conviction relief is denied and dismissed without prejudice based on Applicant's pending motion for reconsideration.

AND IT IS SO ORDERED this 8th day of April, 2015

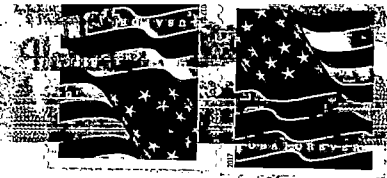

The Honorable R. Markley Dennis, Jr.
Chief Administrative Judge
9th Judicial Circuit

Moncks Corner, South Carolina.

The Curry Law Firm, LLC
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