

**Office of the Public Defender**  
**Fourteenth Judicial Circuit**  
*Stephanie Smart-Gitings, Circuit Defender*



**BEAUFORT COUNTY**

Human Services Building  
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Beaufort, SC 29902  
(843) 255-5805 (Phone)  
(843) 255-9494 (Fax)

**ALLENDALE, HAMPTON & JASPER COUNTIES**  
**COLLETON COUNTY**

1 Courthouse Square  
80 Elm Street, Room 133  
Post Office Box 506  
Hampton, SC 29924  
(803) 914-2240 (Phone)

319 N. Lucas Street  
Walterboro, SC 29488  
(843) 549-1633 (Phone)  
(843) 549-9543 (Fax)

March 22, 2018

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

**RECEIVED**  
MAR 27 2018  
SC Court of Appeals

RE: The State v. Colette Adriane Collins, Appellate Case No. 2018-000449

Dear Madam Clerk:

In response to your letter of March 15, 2018 in the subject case, requesting the date that the undersigned counsel received written notice of entry of the Order denying counsel's Motion for New Trial by the Honorable Doyet A. Early, III, the following information is submitted:

- The undersigned counsel was sent an electronic mail (e-mail) message by Judge Early's law clerk at 4:19 p.m. on February 26, 2018, that a written Order denying counsel's Motion for New Trial had been signed by Judge Early and would be mailed to the Beaufort County Clerk of Court "by tomorrow at the latest." A copy of this e-mail is attached as an enclosure to this letter. This message was seen by counsel the following morning, February 27, 2018.
- The undersigned counsel received no written notice from the Clerk of Court or any party in this case of the entry of this Order by the Clerk of Court. *See Upchurch v. Upchurch*, 367 S.C. 16, 24, 624 S.E.2d 643, 647 (2006) ("Entry of the order occurs when the clerk of court files the order."), *disapproved of on other grounds by Miles v. Miles*, 393 S.C. 11, 711 S.E.2d 880 (2011).
- The undersigned counsel went to the office of the Beaufort County Clerk of Court on March 8, 2018 and requested to know if Judge Early's Order had been received and filed. Upon having this confirmed verbally, the undersigned counsel requested a copy of the filed Order and was provided with a signed copy of Judge Early's Order on March 8, 2018. This Order indicates by clocked filing stamp that entry of the Order by the Clerk of Court was made on March 1, 2018. A copy of this Order is enclosed.
- The undersigned counsel submitted the subject Notice of Appeal by certified mail the day following receipt of notice of the entry of Judge Early's Order, such notice of entry of the Order by being provided with a clocked copy of the Order at counsel's request. *See Rule 77(d), SCRCP* ("Immediately upon the entry of an order or judgment the clerk shall serve a notice of the entry by first class mail

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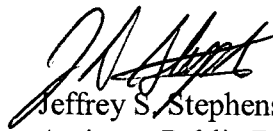
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upon every party affected thereby . . . Such mailing or electronic transmission shall not be necessary to parties who have already received notice.”)

The undersigned counsel notes for purposes of a determination of timeliness of the subject appeal under Rule 203(b)(2), SCACR, and caselaw interpreting this rule, to include *Upchurch v. Upchurch, supra*, and *Wells Fargo Bank v. Fallon Properties South Carolina, LLC*, Op. No. 27773 (S.C. Sup. Ct. filed February 18, 2018), that the subject Notice of Appeal was filed 10 days after receiving actual notice of a signed but not filed or entered Order denying counsel’s Motion for New Trial, eight days after entry and filing of the Order was made by the Beaufort County Clerk of Court, and one day after receiving written notice of the entry of the Order by receiving a copy of the Order, pursuant to Rule 203(b)(2), SCACR.

Please let me know if I can provide any further information to the Court regarding this appeal.

Very respectfully,



Jeffrey S. Stephens  
Assistant Public Defender  
Trial attorney for the Appellant

Encl.

Cc: Robert Dudek, Esquire  
Kimberly L. Smith, Esquire  
Alan McCrory Wilson, Esquire  
John Benjamin Aplin, Esquire

**RECEIVED**

MAR 27 2018

SC Court of Appeals

## Stephens, Jeffrey

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**From:** Early, Doyet A. Law Clerk (Hannah P. Marsh) <dearlylc@sccourts.org>  
**Sent:** Monday, February 26, 2018 4:19 PM  
**To:** Kimberly Smith; Stephens, Jeffrey  
**Cc:** Compton, Christy  
**Subject:** RE: Ruling on Motion for New Trial (State v. Collins)

Thank you. Judge Early has signed this order, and it will be mailed to the clerk's office by tomorrow at the latest.  
Thanks,  
Hannah

---

**From:** Kimberly Smith [mailto:ksmith@scsolicitor14.org]  
**Sent:** Monday, February 26, 2018 1:39 PM  
**To:** Stephens, Jeffrey <jstephens@bcgov.net>; Early, Doyet A. Law Clerk (Hannah P. Marsh) <dearlylc@sccourts.org>  
**Cc:** Compton, Christy <ccompton@bcgov.net>  
**Subject:** RE: Ruling on Motion for New Trial (State v. Collins)

Judge Early,

Please find attached a proposed Order in the above referenced matter. Please let me know if you would like for me to make any revisions to the Order or need any additional information from me.

Thanks,  
Kimberly

RECEIVED

MAR 27 2018

SC Court of Appeals

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**From:** Stephens, Jeffrey [mailto:jstephens@bcgov.net]  
**Sent:** Monday, February 26, 2018 11:41 AM  
**To:** Kimberly Smith <ksmith@scsolicitor14.org>; Early, Doyet A. Law Clerk (Hannah P. Marsh) <dearlylc@sccourts.org>  
**Cc:** Compton, Christy <ccompton@bcgov.net>  
**Subject:** RE: Ruling on Motion for New Trial (State v. Collins)

Kimberly,

That's fine. I just don't check my email as religiously as I should, and I want to make sure I'm looking out for the signed order when it comes. My first ODC complaint I ever received, less than a year into private practice, was for missing a filing deadline for the notice of appeal that I thought was timely filed. Never Again!

Thanks,  
Jeff

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**From:** Kimberly Smith [mailto:ksmith@scsolicitor14.org]  
**Sent:** Monday, February 26, 2018 11:31 AM  
**To:** Stephens, Jeffrey <jstephens@bcgov.net>; Early, Doyet A. Law Clerk (Hannah P. Marsh) <dearlylc@sccourts.org>  
**Cc:** Compton, Christy <ccompton@bcgov.net>  
**Subject:** RE: Ruling on Motion for New Trial (State v. Collins)

Sorry Jeff! I wrote Hannah this morning but guess I didn't reply all. I will get it to Judge Early this afternoon and copy you on the same. Thanks and sorry for the delay! Kimberly

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**From:** Stephens, Jeffrey [<mailto:jstephens@bcgov.net>]  
**Sent:** Monday, February 26, 2018 11:29 AM  
**To:** Early, Doyet A. Law Clerk (Hannah P. Marsh) <[dearlylc@sccourts.org](mailto:dearlylc@sccourts.org)>; Kimberly Smith <[ksmith@scsolicitor14.org](mailto:ksmith@scsolicitor14.org)>  
**Cc:** Compton, Christy <[ccompton@bcgov.net](mailto:ccompton@bcgov.net)>  
**Subject:** RE: Ruling on Motion for New Trial (State v. Collins)

Kimberly,

Happy Monday. I'm also just double-checking on a written order denying my motion for new trial for Collins. Judge Early gave notice of the denial two weeks ago, and I want to make sure I didn't miss any other correspondence on this, since I've only got 10 days from receipt of the written order to file the notice of appeal. I meant to ask you about this after your trial last Friday, but got too busy.

Thanks,  
Jeff

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**From:** Early, Doyet A. Law Clerk (Hannah P. Marsh) [<mailto:dearlylc@sccourts.org>]  
**Sent:** Thursday, February 22, 2018 1:22 PM  
**To:** Stephens, Jeffrey <[jstephens@bcgov.net](mailto:jstephens@bcgov.net)>; Kimberly Smith <[ksmith@scsolicitor14.org](mailto:ksmith@scsolicitor14.org)>  
**Subject:** FW: Ruling on Motion for New Trial (State v. Collins)

Good Afternoon,  
I am writing to follow up on this matter. Ms. Smith, have you had the opportunity to prepare an order?  
Thank you,  
Hannah

---

**From:** Early, Doyet A. Law Clerk (Hannah P. Marsh)  
**Sent:** Tuesday, February 13, 2018 11:42 AM  
**To:** 'Stephens, Jeffrey' <[jstephens@bcgov.net](mailto:jstephens@bcgov.net)>; Kimberly Smith <[ksmith@scsolicitor14.org](mailto:ksmith@scsolicitor14.org)>  
**Subject:** Ruling on Motion for New Trial (State v. Collins)

Good Morning,  
Upon careful review, Judge Early respectfully denies the Defendant's motion for a new trial. Ms. Smith, please prepare a short order to this effect, and share with Judge Early and Mr. Stephens.  
Thank you,  
Hannah

**Hannah P. Marsh, Esq.**  
Law Clerk to the Honorable D.A. Early III  
The Circuit Court of the 2nd Judicial Circuit  
P.O. Box 90  
Bamberg, SC 29003  
Telephone: 803-245-4004  
Fax: 803-245-2983  
[dearlylc@sccourts.org](mailto:dearlylc@sccourts.org)

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STATE OF SOUTH CAROLINA )  
COUNTY OF BEAUFORT )  
STATE OF SOUTH CAROLINA )

vs. )

COLETTE COLLINS, )  
Defendant. )

IN THE COURT OF GENERAL SESSIONS  
FOURTEENTH JUDICIAL CIRCUIT

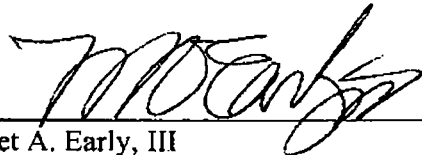
Indictment No: 2017-GS-07-1941

ORDER

2018 MAR -1 PM 12:18  
CLERK OF COURT

This matter came before the Court on Defendant's Motion for New Trial in the above referenced matter. The Defendant was tried on the above referenced charge and found guilty in a jury trial on January 24, 2018. The Defendant filed a Notice of Motion and Motion for New Trial on February 2, 2018, pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure. After reviewing the Defendant's Motion and considering the arguments of counsel and the evidence and testimony presented in the trial of case, the Court denies the Defendant's Motion for a New Trial.

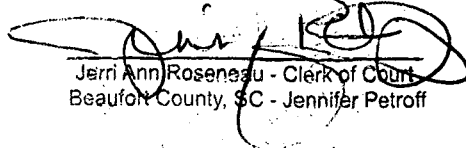
IT IS ORDERED.



Doyet A. Early, III  
Presiding Judge

2-26, 2018  
[Signature], South Carolina.

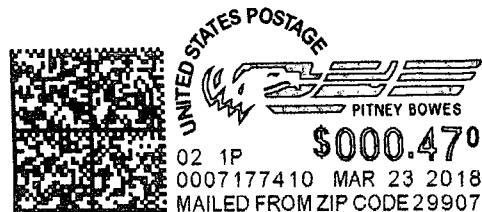
Certified - A True Copy



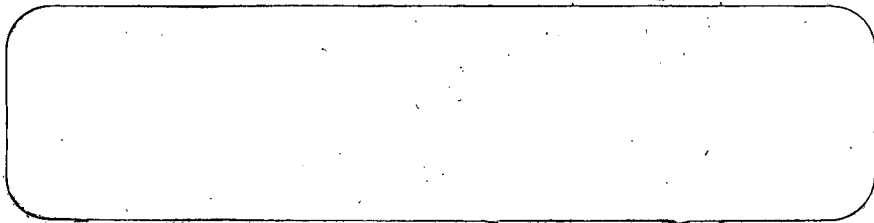
Jerri Ann Roseneau - Clerk of Court  
Beaufort County, SC - Jennifer Petroff



BEAUFORT COUNTY COUNCIL  
PUBLIC DEFENDER  
1905 DUKE STREET  
POST OFFICE BOX 525  
BEAUFORT, SC 29901



02 1P  
0007177410 MAR 23 2018  
MAILED FROM ZIP CODE 29907



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