

STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY
Court of General Sessions

SC Court of Appeals

The Honorable Casey Manning, Fifth Circuit Court Judge

Case Nos. Indictment Number: 2013-GS-40-1436-1438, 1440

The State,.....Respondent,

v.

Deshawn McClary,.....Appellant.

NOTICE OF APPEAL

Deshawn McClary appeals his conviction in this case. The sentence was imposed by the Honorable Casey Manning on October 13, 2015. Defendant filed a timely Motion to Reconsider on October 22, 2015. That motion was heard October 16, 2018. The matter was taken under advisement at that time. Later the same day, Judge Manning verbally directed Deputy Solicitor Dan Goldberg to prepare an Order denying the motion. After giving counsel the opportunity to review the State's proposed, Deputy Solicitor Goldberg submitted that Order to Judge Manning. On October 31, 2018, counsel requested a copy of the signed and filed Order in order to be able to file this appeal, as I had not yet received a copy. Deputy Solicitor Goldberg sent a copy of the filed Order the same day. However, through no fault of his, counsel did not have actual receipt of the Order until today, November 16, 2018.

As a result of the delay in receiving the signed and filed Order, this appeal was delayed. However, Defendant has expressed his desire to appeal since October 22, 2018, well within the appropriate time for appeal.

2013-GS-40-1436 – Voluntary Manslaughter - 25 years
2013-GS-40-1436 – Burglary First Degree - 25 years
2013-GS-40-1436 – Attempted Murder - 25 years
2013-GS-40-1436 – Attempted Murder - 25 years



Theodore N. Lupton
Attorney for Defendant
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November 16, 2018
Other Counsel of Record:
Deputy Solicitor Dan Goldberg
Richland County Solicitor's Office
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Attorney for Respondent

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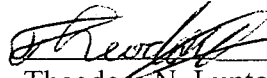
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PROOF OF SERVICE

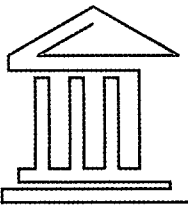
The undersigned attorney hereby certify that a true copy of the Notice of Intent to Appeal & the Statement of Basis for Appeal from Guilty Plea Pursuant to Rule 203(d)(1)(B) in the above-referenced case has been served upon opposing counsel by delivering same this date to his office at the Richland County Solicitor's Office, 1701 Main Street, Columbia, SC 29201.



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November 16, 2018

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Clerk of Court
South Carolina Court of Appeals
PO Box 11629
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State v. Deshawn McClary – Criminal Appeal

Dear Ms. Kitchings:

Enclosed are two copies of the appeal for the above case.

Please return a filed copy of this appeal in the enclosed SASE.

Sincerely,

Theodore N. Lupton
Attorney for the Appellant

Cc: Deshawn McClary
Deputy Solicitor Dan Goldberg
Richland County Clerk of Court

Enclosures



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Columbia, SC 29201

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