

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of General Sessions

The Honorable Casey Manning, Fifth Circuit Court Judge

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

The State,.....Respondent,

v.

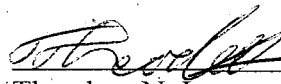
Deshawn McClary,.....Appellant.

**STATEMENT OF BASIS FOR APPEAL FROM  
GUILTY PLEA PURSUANT TO RULE 203(d)(1)(B)**

This plea was entered 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.

After review of the case, the plea proceeding, and the reconsideration hearing, I am not aware of any legal issue that is reviewable on direct appeal. However, based on my client's desire to litigate these issues in the appellate court, I am constrained to file an appeal. Weathers v. State, 319 S.C. 59, 459 SE 2d 838 (1995). Because this was an appointed case, the appeal, if accepted, will be handled by the Office of Appellate Defense.



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November 16, 2018

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