

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Honorable J. Derham Cole, Circuit Court Judge
Appellate Case Tracking No. 2019-001024

RECEIVED
JUL 11 2019
SC Court of Appeals

The State

Respondent

Vs.

Ronnie LeShanon Bonner

Appellant

RETURN TO MOTION

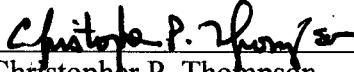
Appellant, by and through his undersigned counsel, would respectfully return Motion unto the Respondent's Motion, and show unto this Court as follows:

1. Appellant will show unto the Court Appellant's attorney inadvertently recorded an erroneous date concerning written notice being received. Appellant's attorney recorded the date written notice was sent to his email address, June 6, 2019. However, Appellant's attorney was not in his office on June 6 and June 7, 2019. Appellant's attorney was only able to open the email's attachment containing the Court's ruling the following day on Saturday, June 8, 2019. Electronic written notification was not contemplated by Rule 203(b), SCACR when adopted by the Court in 1990. Various forms of communication used to receive written notice for purposes of Rule 203(b) could not practically be used to receive a decision for purposes of Rule 203(b)(6) due to technological limitations. Therefore, Appellant's attorney did not receive written notice until such time he was able to read the email, open the attachment, and read the Court's ruling on a computer screen.

2. The rule and case law are silent concerning if the receipt of written notice begins with delivery of an email or when an email is opened by the recipient. Wells Fargo Bank, N.A., successor-by-merger to Wachovia Bank, N.A., Respondent, v. Fallon Properties South Carolina, LLC., et al., 422 S.C. 211. Therefore, the Appellant's mailing was within the required time under Rule 203(b).

3. Should the Court find delivery of the email constitutes notice, the notice being received by the State and the Court eleven days later is harmless error and highly prejudicial to the Appellant who is attempting to appeal a life sentence. Fundamental fairness holds the Appellant's appeal should go forward.

4. Appellant requests leave of the Court to amend the original Certificate of Service pursuant to the arguments above.



Christopher P. Thompson
2165 Chesnee Highway
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Trial Attorney for Appellant

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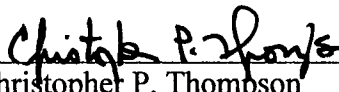
Ronnie LeShanon Bonner

Appellant

PROOF OF SERVICE

This is to certify that on the 8th of July, 2019, the undersigned served a copy of the Notice of Appeal by depositing a copy of same into the United States Mail, postage prepaid and in the correct amount to the following:

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



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July 8, 2019

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

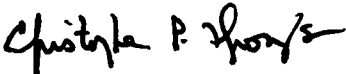
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Re: State v. Ronnie L. Bonner - Appellate Case Tracking No. 2019-001024

Dear Ms. Kitchings:

Enclosed, please find the original and six (6) copies of Appellant's Return to Motion and proof of service for filing in the above referenced case.

Sincerely,


Christopher P. Thompson

Enclosures

cc: William M. Blich, Jr.

Chris Thompson Law Firm
P.O. BOX 70
MAYO, SC 29368

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