

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM LAURENS COUNTY  
Court of General Sessions

Roger L. Couch, Circuit Court Judge

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Appellate Case No.2019-001284

The State,

Respondent,

v.

Pamela Michelle Tackett,

Appellant.

**RECEIVED**  
SEP 18 2019  
SC Court of Appeals

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MOTION TO RESTORE APPEAL

Pamela Michelle Tackett hereby moves before the court to reconsider its Order issued September 4, 2019 dismissing the appeal in the above captioned matter and further moves that the appeal be restored.

**BACKGROUND**

This appeal arises out of a sentence imposed on July 18, 2019. Appellant's Proof of Service shows service on July 31, 2019. The September 4, 2019 order dismissed the appeal because the Notice of Appeal was not timely served.

**BASIS OF MOTION TO RECONSIDER**

Appellant is filing an Amended Proof of Service for Appeal showing that the Notice of Appeal was timely served served July 23, 2019.

Appellant would show that on July 23, 2019 the Notice of Appeal was

issued and a copy was mailed to counsel for the State, O. Warren Mowry. Paralegal, Stella Morton, contemporaneously prepared a *Proof of Service of Appeal* showing a service date of July 23, 2019. However, the Proof of Service included a scrivener's error indicating that Respondent's Initial Brief was served, rather than the Notice of Appeal. (Exhibit A). This Proof of Service was not filed with the appeal. On July 31, 2019, the *Notice of Appeal* was hand delivered to the Clerk of Court for Laurens County for filing, a copy was mailed to the Court of Appeals for filing, and a copy was mailed to O. Warren Mowry, counsel for The State. The paralegal issued another *Proof of Service of Appeal* indicating the delivery to the Laurens Clerk and the mailings to the Court of Appeals and Mr. Mowry. While this Proof of Service accurately stated when and where it was delivered and to whom it was mailed, it was mistakenly issued because service on opposing counsel had already been made on July 23, 2019. The mailing to Mr. Mowry on July 31, 2019 was unnecessary except to perhaps give him notice that the Notice of Appeal previously served on him was now being filed with the court. This latter Proof of Service of Appeal was filed of record with the Notice of Appeal.

### Conclusion

The Proof of Service filed with the above captioned appeal showing untimely service of the Notice of Appeal is a result of clerical error, and Appellant should be allowed to correct the error with an amended Proof of Service.



David F. Stoddard, Bar # 5362  
Attorney for the Appellant  
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Sept 17 2019  
Anderson, South Carolina

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM LAURENS COUNTY  
Court of General Sessions

Roger L. Couch, Circuit Court Judge

Appellate Case No. 2019-001284

The State,

Respondent,

v.

Pamela Michelle Tackett,

Appellant.

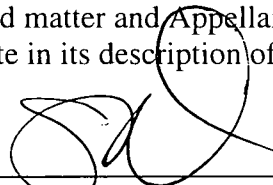
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SEP 18 2019

**SC Court of Appeals**

VERIFICATION

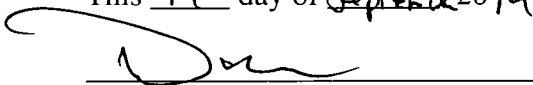
The undersigned hereby verifies that she has personal knowledge of the facts regarding service of the Notice of Appeal in the above captioned matter and Appellant's Motion to Restore Appeal issued September 17, 2019 is true and accurate in its description of when and how the Notice of Appeal was served.



Stella M. Morton

Sworn and Subscribed before me

This 17 day of September 2019



Notary Public for SC

My commission expires 9/09/2022

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM LAURENS COUNTY  
Court of General Sessions

Roger L. Couch, Circuit Court Judge

Case No. 2018-GS-30-1109, 2018-GS-30-1110, 2018-GS-30-1111

The State,

Respondent,

v.

Pamela Michelle Tackett,

Appellant.

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PROOF OF SERVICE FOR APPEAL

I certify that on July 23, 2019 I served Respondents' Initial Brief on the other parties to this appeal by placing a copies of the same in the U.S. Mail, postage prepaid, addressed to each party as follows:

O. Warren Mowrey, Jr. Deputy Solicitor for Laurens County Eighth Judicial Circuit  
Laurens County Courthouse, 100 Hillcrest Square, Laurens, South Carolina 29360  
Attorney for Respondent.

JULY 23, 2019

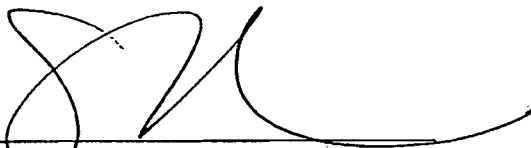
  
STELLA MARIE MORTON  
PARALEGAL TO  
DAVID F. STODDARD  
320 E. RIVER ST.  
ANDERSON, SC 29624

EXHIBIT A

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM LAURENS COUNTY  
Court of General Sessions

Roger L. Couch, Circuit Court Judge

Appellate Case No. 2019-001284

The State,

Respondent

v.

Pamela Michelle Tackett,

Appellant

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SC Court of Appeals

PROOF OF SERVICE  
(Motion to Restore Appeal Served)

I, Stella Marie Morton, certify that on September 17, 2019, I served Appellant's Motion to Restore Appeal and Amended Proof of Service of Appeal on the opposing party by placing copies of the same in the U.S. Mail, postage prepaid, addressed as follows:

O. Warren Mowry, Jr.  
Deputy Solicitor for Laurens County Eighth Judicial Circuit  
Laurens County Courthouse  
100 Hillcrest Square, Laurens, South Carolina 29360

Mr. Robert M. Dudek  
SC Commission on Indigent Defense  
PO Box 11589  
Columbia, SC 29211

Mr. William M. Blich, Jr.  
SC Attorney General's Office  
PO Box 11549  
Columbia, SC 29211

Mr. Alan M. Wilson  
SC Attorney General's Office  
PO Box 11549  
Columbia, SC 29211-1549

September 17, 2019



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Stella Marie Morton  
Paralegal to David F. Stoddard  
Attorney for Defendant

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM LAURENS COUNTY  
Court of General Sessions

Roger L. Couch, Circuit Court Judge

Appellate Case No. 2019-001284

The State,

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v.

Pamela Michelle Tackett,

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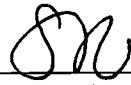
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SEP 18 2019  
SC Court of Appeals

AMENDED PROOF OF SERVICE FOR APPEAL

I, **Stella Marie Morton**, certify that on July 23, 2019, I served the **Notice of Appeal** on the opposing party by placing a copy of the same in the U.S. Mail, postage prepaid, addressed as follows:

O. Warren Mowry, Jr.  
Deputy Solicitor for Laurens County Eighth Judicial Circuit  
Laurens County Courthouse  
100 Hillcrest Square, Laurens, South Carolina 29360

September 17, 2019

  
Stella Marie Morton  
Paralegal to David F. Stoddard  
Attorney for Defendant

# David F. Stoddard

Attorney-At-Law  
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Anderson, South Carolina 29624  
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Telephone (864) 375-0000

Facsimile (864) 375-0052

September 9, 2019

SC COURT OF APPEALS  
CALHOUN BUILDING  
1220 SENATE STREET  
COLUMBIA SC 29201

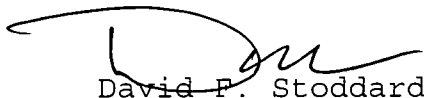
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SC Court of Appeals

Re: The State v. Pamela Michelle Tackett  
Appellate Case # 2019-001284

Dear Sirs:

Please find enclosed for filing Appellant's Motion to Restore Appeal, with proof of service on opposing party, and an Amended Proof of Service of Appeal.

Sincerely yours,

  
David F. Stoddard

DFS/

cc: Alan McCrory Wilson  
William M. Blicht, Jr.  
O. Warren Mowry, Jr.  
Robert M. Dudek