

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

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SEP 30 2019

IN THE COURT OF COMMON PLEAS FOR
THE ELEVENTH JUDICIAL CIRCUIT

S.C. SUPREME COURT

Marion Brewster, F.B.P. #31710-171,
Applicant,

Case No. 2017-CP-32-04136

v.

State of South Carolina,
Respondent.

NOTICE OF APPEAL

The above applicant Marion Brewster #31710-171, pro se, hereby appeals to the Supreme Court of South Carolina, from the Final Order of Dismissal in the above pursuant to an application for post-conviction relief, the final order of this court entered September 10, 2019, judgment of dismissal, in favor of State of South Carolina.

DATE: 9, 26, 2019.

Respectfully Submitted
By: Marion Brewster

Marion Brewster
31710-171

U.S.P. Lee

U.S. Penitentiary

P.O. Box 305

Jonesville VA. 24263

CERTIFICATE OF SERVICE

I the under sign hereby certify that a true and exact copy of the forgoing Notice of Appeal, has been mailed postage pre paid to: Supreme Court of South Carolina, P.O. Box 11330 Columbia SC, 29211, and SC Att. Gen's office, P.O. Box 11549 Columbia, SC, 29211, on this 26 day of September 2019.

Marion Brewster
Marion Brewster,

SOUTH CAROLINA APPELLATE RULE 243 (c) SEP 30 2019
EXPLANATION FOR APPELLATE REVIEW S.C. SUPREME COURT

The applicant/appellant Marion Brewster, through pro se representation, in a proceeding upon an application for post-conviction relief filed November 7, 2017 in the;

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS FOR THE
ELEVENTH JUDICIAL CIRCUIT

Marion Brewster, F.B.P.# 31710-171

v.

No. 217-CP-32-04136

State of South Carolina,

1. On September 10, 2019, the Court issued its Final Order of Dismissal in the above, and advised the applicant through counsel Ashley A. McMahan, that the applicant ("Brewster") must comply with Rule 243, SCACR. Therefore Brewster now submits his pro se explanation for appellate review.
2. The applicant/appellant submits that appellate review is warranted in the above, due to the fact that Brewster claimed that, on the day of his sentencing, directly after, he asked his attorney to file a direct appeal, and she didn't file as he asked.
3. The Court of Common Pleas, has decided the case without a hearing, where the issue raised is not apart

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SEP 30 2019

S.C. SUPREME COURT

of the court record and the respondent put forth no evidence upon its motion to dismiss that trial counsel complied with ANDERS V. CALIFORNIA, by submitting a brief, or that counsel moved the court to be taken off of the case prior to the 30 days for filing a Notice of Appeal.

4. Brewster acted as diligent as could be expected, left without representation. The court presumes that because Brewster did not file his application until November 7, 2017, where he was convicted November 15, 2002, is barred by the doctrine of laches.

5. The court says that Brewster has not explained nor justified the delay in seeking post-conviction relief. Brewster's claim is more so his explanation, and the court has not attempted to establish whether or not Brewster asked his attorney to file an appeal. Brewster was denied his 6th Amendment right, being pro se, abandoned by counsel is a reasonable excuse to not have acted sooner. He acted with as much diligence as could be expected.

For the above and any other reason the court deems fit Brewster should be provided appellate review, where the court committed reversible error in deciding the relevant issue without a hearing, in order to establish facts out side of the record.

DATE 9, 26, 2019

Respectfully Submitted
By: Marion Brewster

Marion Brewster, pro se
#31710-171

U.S.P. Lee

U.S. Penitentiary

P.O. Box 305

Sonessville VA, 24263

The above shall be taken as true under penalty of perjury.

(M.B.)

CERTIFICATE OF SERVICE

I the under sign hereby certify that a true and exact copy of the foregoing South Carolina Appellate Rule 243(c) Explanation For Appellate Review has been mailed postage pre-paid to:

The office of the Clerk,
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC, 29211 and

South Carolina Attorney General's Office
Attn: PCR's
P.O. Box 11549
Columbia, SC, 29211 and

Ashley A. McMahan, Attorney At Law
P.O. Box 5501
West Columbia, SC, 29171

On this 26 day of September 2019.

By: Marion Brewster

Marion Brewster, pro se

31710-171

U.S.P. Lee

U.S. Penitentiary

P.O. Box 305

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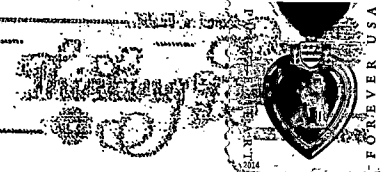
SEP 30 2019

S.C. SUPREME COURT

Marion Brewster #31710
USP Lee
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The Office of Clerk
Supreme Court of South Carolina
P.O. Box 11330
Columbia, S.C. 29211

29211-133030

