

ORIGINAL

2017A 3010200086
2017GS 30-1018

The State Of South Carolina
South Carolina Court Of Appeals

Clinton Anthony Smith
Defendant

vs.

The State Of South Carolina
Respondent.

General Sessions Court

Notice Of Appeal Statement

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OCT 11 2019

SC Court of Appeals

LAURENS COUNTY
CLERK OF COURT

2019 SEP 30 AM 11:49

LYNN W. LANCASTER

Please Take Notice, above-named defendant hereby appeals the lower court denial of motion Pursuant to South Carolina Code Ann. Sec. 17-25-326 (Cum. Supp. 2019) as follows:

- 1) Defendant believes based on State v. Burdette, 2019 that he is entitled to relief, further, defendant also believes under Sec. 17-25-326 this constitutes as grounds to have sentence altered, modified or rescinded
- 2) Court also committed error when it failed to afford hearing for defendant to be heard under this section, moreover, Sec. 17-25-326 requires the court allow state to respond and or victim as to reasons such motion should be denied.

3) Mitigating factors exist herein for this court to remand Pursuant to Burdette, and to address lower court duty relating to sec. 17-25-326 motions and Procedures attendant thereto.

Wherefore, defendant Prays court will Grant full briefing, or in the alternative, Remand for further Proceedings

Date: 20 day of September, 2019.

Ludhean Bryant

May 26, 2020

Respectfully Submitted:

Sl. Clinton A. Smith

Clinton A Smith #3178066
L.C.I
P.O. Box 205
Ridgeville SC 29472

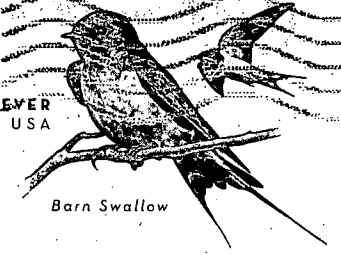
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