



ALAN WILSON  
ATTORNEY GENERAL

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NOV 20 2019  
S.C. SUPREME COURT

November 20, 2019

The Honorable Daniel E. Shearouse  
Clerk of the South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

Re: **Stewart Randall Ard, #217645 v. State of South Carolina**  
**Case No. 2016-CP-40-6225**

Dear Mr. Shearouse:

Enclosed for filing is a notice of appeal in the above case. The PCR transcript is being requested on today's date. Enclosed are the following:

1. A copy of the order which is to be challenged on appeal.
2. Proof of service of notice of appeal on the Respondent.

Sincerely,

Lindsey A. McCallister  
Assistant Attorney General

LAM/emr

cc: E. Charles Grose, Jr., Esquire  
South Carolina Department of Corrections  
Richland County Clerk of Court  
Honorable Clifton Newman  
Office of Appellate Defense  
Victim Advocacy Division

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
IN THE COURT OF COMMON PLEAS

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NOV 20 2019

S.C. SUPREME COURT

Case No. 2016-CP-40-6225

STEWART RANDALL ARD, #217645

Applicant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

**NOTICE OF APPEAL**

The State of South Carolina appeals the Honorable Clifton Newman's order granting post-conviction relief filed on February 14, 2019. The State filed a timely motion to alter or amend, pursuant to Rule 59(e), SCRCP, which was denied by Judge Newman in a written order filed November 5, 2019, and received by the State on November 8, 2019. Copies of the court's orders are attached hereto.

This 20<sup>th</sup> day of November, 2019.

Respectfully submitted,

ALAN WILSON  
Attorney General

LINDSEY A. MCCALLISTER  
Assistant Attorney General  
S.C. Bar No. 79054  
P.O. Box 11549  
Columbia, S.C. 29211  
(803) 734-3737

By: 

Other counsel of record:  
Mr. E. Charles Grose, Jr.  
Grose Law Firm  
404 Main Street  
Greenwood, SC 29646  
(864) 538-4466

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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
IN THE COURT OF COMMON PLEAS

Case No. 2016-CP-40-6225

STEWART RANDALL ARD, #217645

Applicant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

**PROOF OF SERVICE**

I, Erik Marcusson, Legal Assistant for the Respondent, certify that I have today served the within notice of appeal upon the Respondent by depositing a copy of it in the United States Mail, postage prepaid, addressed to his attorney of record.

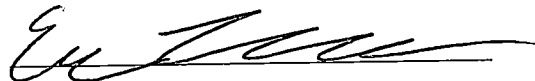
This 20<sup>th</sup> day of November, 2019.

Respectfully submitted,

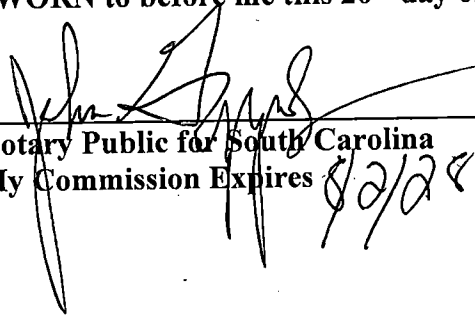
ALAN WILSON  
Attorney General

Erik Marcusson  
Legal Assistant for Respondent

By:



SWORN to before me this 20<sup>th</sup> day of November, 2019

  
Notary Public for South Carolina  
My Commission Expires 8/2/28

THE STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )  
 )  
Stewart Randall Ard, )  
 )  
Applicant, )  
 )  
 )  
 )  
vs. )  
 )  
State of South Carolina, )  
 )  
Respondent. )  
 )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

Case No. 2016-CP-40-06225

**ORDER DENYING MOTION  
TO ALTER OR AMEND**

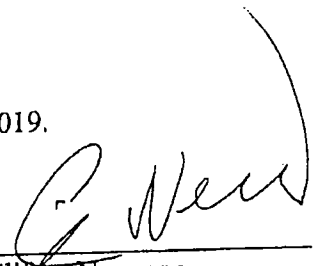
RICHLAND COUNTY  
FILED  
2019 NOV -5 AM 11:23  
CLERK OF COURT  
C.C.F., G.S., REC.

This matter is before the Court on a Motion to Alter or Amend the Order of the Court filed on February 19, 2019.

Having fully considered the 59(e) Motion of the Plaintiff, the Court finds that the Order of the Court should not be Altered or Amended.

The Motion to Alter or Amend is therefore denied.

AND IT IS SO ORDERED this 30<sup>th</sup> day of October 2019.

  
\_\_\_\_\_  
Clifton Newman  
Presiding Judge

CASE NUMBER: 2016CP4006225

Stewart Randall Ard

State Of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
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**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other \_\_\_\_\_

2019 NOV 5 11:24  
 RICHLAND COUNTY  
 FILED  
 CLERK OF COURT  
 S.C. R.C. 2 F.C.

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment on the Court

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

**INFORMATION FOR THE PUBLIC INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order: \_\_\_\_\_

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge \_\_\_\_\_ Judge Code \_\_\_\_\_ Date \_\_\_\_\_

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 5 November 2019 to attorneys of record or to parties (when appearing pro se) as follows:

E. Charles Grose Jr.

Lindsey Ann McCallister

\_\_\_\_\_  
 ATTORNEY(S) FOR THE PLAINTIFF(S)

\_\_\_\_\_  
 ATTORNEY(S) FOR THE DEFENDANT(S)

\_\_\_\_\_  
 Court Reporter

\_\_\_\_\_  
 Clerk of Court

*Jeanette W. McCallister*