

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
Court of General Sessions

Grace Gilchrist Knie, Circuit Court Judge

Case No. 1991-GS-42-1126, 1991-GS-42-1723

Carnell Davis

The State

v.

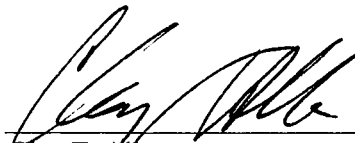
Appellant,

Respondent.

NOTICE OF APPEAL

Carnell Davis appeals the order the Honorable Grace Gilchrist Knie filed on October 10, 2018, which denied the Appellant's Motion for Resentencing pursuant to *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014). The Appellant became aware of and received a copy of the order denying the Appellant's motion on July 19, 2019. Carnell Davis also appeals the order of the Honorable Grace Gilchrist Knie dated November 25, 2019, which denied the Appellant's Post-Trial Motion to Reconsider. The Post-Trial Motion to Reconsider was served on July 25, 2019. This appeal is taken from the orders of the Honorable Grace Gilchrist Knie on October 10, 2018, and November 25, 2019, which denied the Appellant's motion for resentencing pursuant to *Aiken v. Byars, supra*, and denied the Appellant's motion to reconsider.

November 26, 2019



Clay T. Allen  
Bar No.: 328  
Seventh Judicial Circuit Public Defender Office  
366 N Church Street, Suite 3000  
Spartanburg, South Carolina 29303  
(864) 596-2561  
Attorney for Appellant

Other Counsel of Record:  
Barry J. Barnette, Esquire  
Seventh Judicial Circuit Solicitor  
180 Magnolia Street  
Spartanburg, South Carolina 29306  
(864)596-2575  
Attorney for the Respondent

Matthew C. Buchanan, Esquire  
General Counsel  
South Carolina Department of Probation,  
Parole, and Pardon Services  
Post Office Box 207  
Columbia, South Carolina 29202  
(803) 734-9324  
Attorney for the Respondent

RECEIVED

DEC 02 2019

SC Court of Appeals

CLERK OF COURT  
SPARTANBURG COUNTY  
AMY W. COX

2019 NOV 26 AM 10:52

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
Court of General Sessions

Grace Gilchrist Knie, Circuit Court Judge

Case No.: 1991-GS-42-1126, 1991-GS-42-1723

Carnell Davis,

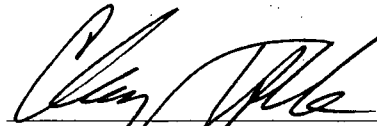
v.

The State,

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on November 26, 2019, addressed to its attorney of record, Barry J. Barnette, Esq., Seventh Judicial Circuit Solicitor, 180 Magnolia Street, Spartanburg, South Carolina 29306, and Matthew C. Buchanan, Esquire, General Counsel, South Carolina Department of Probation, Parole, and Pardon Services, Post Office 207, Columbia, South Carolina 29202

November 26, 2019



Clay T. Allen  
Bar No.: 328  
Seventh Judicial Circuit Public Defender Office  
366 N Church Street, Suite 3000  
Spartanburg, South Carolina 29303  
(864) 596-2561  
Attorney for Appellant

RECEIVED

DEC 02 2019

SC Court of Appeals

2019 NOV 26 AM 10:58  
CLERK OF COURT  
SPARTANBURG COUNTY  
AMY W. COX  
Appellant  
Respondent

FILED

# SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER

CLAY T. ALLEN  
CIRCUIT PUBLIC DEFENDER

366 NORTH CHURCH STREET  
SUITE 3000  
SPARTANBURG, SC 29303



TELEPHONE (864) 596-2561  
FAX (864) 596-2284  
FAX (864) 562-4412

November 26, 2019

The Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**  
DEC 02 2019  
SC Court of Appeals

RE: Carnell Davis v. State  
Case No.: 1991-GS-42-1126, 1991-GS-42-1723

Dear Ms. Kitchings:

Enclosed for filing is the original Notice of Appeal in the above case. Also enclosed are the Proof of Service of the Notice of Appeal on the Respondent and copy of the orders to be challenged on appeal.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Clay T. Allen".

Clay T. Allen

Enclosures: cc: Office of Seventh Judicial Circuit Solicitor  
Office of General Counsel, South Carolina Department of Probation, Parole, and Pardon Services  
Office of Attorney General  
Office of Appellate Defense  
Office of the Trial Court Clerk

# SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER

CLAY T. ALLEN  
CIRCUIT PUBLIC DEFENDER

366 NORTH CHURCH STREET  
SUITE 3000  
SPARTANBURG, SC 29303



TELEPHONE (864) 596-2561  
FAX (864) 596-2284  
FAX (864) 562-4412

November 26, 2019

Barry J. Barnette, Esquire  
Seventh Judicial Circuit Solicitor  
180 Magnolia Street  
Spartanburg, South Carolina 29306

**RECEIVED**  
DEC 02 2019  
SC Court of Appeals

Re: Carnell Davis v. State  
Case No.: 1991-GS-42-1126, 1991-GS-42-1723

Dear Mr. Barnette:

Please find enclosed copies of the Notice of Appeal; Proof of Service; letter to the Clerk of Court of Appeals; letter to the Department of Probation, Parole, and Pardon Services; and letter to Clerk of Court for Spartanburg County concerning the above referenced case.

Sincerely yours,

A handwritten signature in black ink that reads "Clay T. Allen".

Clay T. Allen

Enclosure: Notice of Appeal  
Proof of Service  
ltr: The Honorable Jenny A. Kitchings  
ltr: The Honorable Amy West-Cox

**SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER**

**CLAY T. ALLEN**  
CIRCUIT PUBLIC DEFENDER

366 NORTH CHURCH STREET  
SUITE 3000  
SPARTANBURG, SC 29303



TELEPHONE (864) 596-2561  
FAX (864) 596-2284  
FAX (864) 562-4412

November 26, 2019

Matthew C. Buchanan, Esquire  
General Counsel  
South Carolina Department of Probation, Parole,  
and Pardon Services  
Post Office Box 207  
Columbia, South Carolina 29202

Re: Carnell Davis v. State  
Case No.: 1991-GS-42-1126, 1991-GS-42-1723

**RECEIVED**

DEC 02 2019

SC Court of Appeals

Dear Mr. Buchanan:

Please find enclosed copies of the Notice of Appeal; Proof of Service; letter to the Clerk of Court of Appeals; letter to the Solicitor; and letter to Clerk of Court for Spartanburg County concerning the above referenced case.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Clay T. Allen".

Clay T. Allen

Enclosure: Notice of Appeal  
Proof of Service  
ltr: The Honorable Jenny A. Kitchings  
ltr: The Honorable Amy West-Cox

**SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER**

**CLAY T. ALLEN**  
**CIRCUIT PUBLIC DEFENDER**

366 NORTH CHURCH STREET  
SUITE 3000  
SPARTANBURG, SC 29303



TELEPHONE (864) 596-2561  
FAX (864) 596-2284  
FAX (864) 562-4412

November 26, 2019

Alan Wilson, Esq.  
Attorney General  
P.O. Box 11549  
Columbia, South Carolina 29211

Re: Carnell Davis v. State  
Case No.: 1991-GS-42-1126, 1991-GS-42-1723

**RECEIVED**

DEC 02 2019

SC Court of Appeals

Dear Mr. Wilson:

Please find enclosed a copy of the Notice of Appeal and Proof of Service in the above captioned matter. A copy of my letter to the the South Carolina Office of Appellate Defense is also enclosed.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Clay T. Allen". The signature is stylized and cursive.

Clay T. Allen

Enclosures: Notice of Appeal  
Proof of Service  
Ltr: South Carolina Office of Appellate Defense

**SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER**

**CLAY T. ALLEN**  
CIRCUIT PUBLIC DEFENDER

366 NORTH CHURCH STREET  
SUITE 3000  
SPARTANBURG, SC 29303



TELEPHONE (864) 596-2561  
FAX (864) 596-2284  
FAX (864) 562-4412

November 26, 2019

Robert M. Dudek, Chief Appellate Defender  
Division of Appellate Defense  
South Carolina Commission on Indigent Defense  
P.O. Box 11589  
Columbia, South Carolina 29211

**RECEIVED**

DEC 02 2019

SC Court of Appeals

Re: Carnell Davis v. State  
Case No.: 1991-GS-42-1126, 1991-GS-42-1723

Dear Mr. Dudek:

Please find enclosed a copy of the Notice of Appeal and Proof of Service in the above captioned matter. The Court Reporters' names are as follows:

For the hearing on August 27, 2018:

Pamela E. Green  
121 Bradford Crossing Drive  
Roebuck, SC 29376

For the hearing on November 7, 2019:

Sharon Hardoon  
1140 Woodruff Road, Unit 106, PMB #270  
Greenville, South Carolina 29607

Also enclosed is a copy of the letter to the Clerk of Court of Appeals, a copy of the letter to the Attorney General, a copy of the Order and a copy of the order appointing the public defender to represent Mr. Davis.

If you or a member of your staff desire additional information or documentation, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Clay T. Allen".

Clay T. Allen

Enclosure: Notice of Appeal  
Proof of Service  
ltr: The Honorable Jenny A. Kitchings  
ltr: Alan Wilson, Esq.  
ltr: The Honorable Amy West-Cox

**SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER**

**CLAY T. ALLEN**  
CIRCUIT PUBLIC DEFENDER

366 NORTH CHURCH STREET  
SUITE 3000  
SPARTANBURG, SC 29303



TELEPHONE (864) 596-2561  
FAX (864) 596-2284  
FAX (864) 562-4412

November 26, 2019

The Honorable Amy West-Cox  
Clerk of Court for Spartanburg County  
180 Magnolia Street  
Spartanburg, South Carolina 29306

RE: Carnell Davis v. State  
Case No.: 1991-GS-42-1126, 1991-GS-42-1723

**RECEIVED**

**DEC 02 2019**

**CC Court of Appeals**

Dear Ms. West-Cox:

Enclosed for filing is the Notice of Appeal in the above case.

Thank you very much.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Clay T. Allen".

Clay T. Allen

Enclosure

cc:

Seventh Judicial Circuit Solicitor's Office  
180 Magnolia Street  
Spartanburg, South Carolina 29306  
General Counsel, SC Dept of Probation, Parole,  
and Pardon Services  
Post Office Box 207  
Columbia, South Carolina 29202  
Attorneys for Respondent

**Seventh Judicial Circuit Public Defender**

366 N Church Street, Suite 3000

Spartanburg, South Carolina 29303

290 292 29211 **N1-37**

PRSR FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
GREENVILLE SC  
PERMIT# 113



4040191126-152547088

RETURN SERVICE REQUESTED

29211



**RECEIVED**

DEC 02 2019

**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings

~~Clerk of the South Carolina Court of Appeals~~

Post Office Box 11629

Columbia, South Carolina 29211