

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

The Honorable James McFaddin, Circuit Court Judge

Case No. 2017A40216029

The State of South Carolina,

Appellee,

vs.

Charles Davenport,

Appellant.

NOTICE OF APPEAL

Charles Davenport appeals his guilty plea and sentence in this case. The sentence of 25 years suspended to 20 years and fine was imposed by the Honorable James McFaddin on November 8, 2018. This appeal is taken from the order of the Honorable James McFaddin, received by counsel on April 14, 2020, which denied appellant's motion for reconsideration under Rule 29(a) and which is attached to this notice. Appellant received the attached order (without signature) on April 14, 2020.

Appellant seeks to appeal his guilty plea and sentence in this case. Specifically, although the sentence of 25 years suspended to 20 years and fine was within the statutory limits of 1 to 25 years, Appellant argues the sentence given, under the facts

presented, was excessive and as such, could only have been the result of “partiality, prejudice or pressure.” *Wood v. State*, 257 S.C. 179, 184 S.E.2d 702 (1971); *Garrett v. State*, 320 S.C. 353, 465 S.E.2d 349 (1996). Further, under the facts of this case and characteristics of this particular defendant, the sentence violates Article I, Section 19 and the Eighth Amendment of the state and federal Constitutions which forbid cruel and unusual punishment. Appellant may also seek to raise a due process claim relating to South Carolina’s indeterminate sentencing scheme.

Respectfully submitted,

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April 16, 2020.

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CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that she sent a copy of this Notice of Appeal via US Mail, postage pre-paid to Jonathan E.B. Lewis at the above address.

/s/ Elizabeth Franklin-Best