

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

—————
Certiorari to Lexington County

Honorable Brooks P. Goldsmith, Circuit Court Judge
—————

QUINCY A. MCCANTS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-001436
—————

SUPPLEMENTAL APPENDIX
—————

TAYLOR D. GILLIAM
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

TAYLOR Z. SMITH
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Suite 519
Columbia, SC 29201

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

RECEIVED

Oct 07 2020

S.C. SUPREME COURT

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RECEIVED

OCT 16 2015

THE STATE OF SOUTH CAROLINA
In The Supreme Court

S.C. Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
Post Conviction Relief
Honorable Edgar W. Dickson, Circuit Court Judge

Case No.: 2009-CP-32-4236

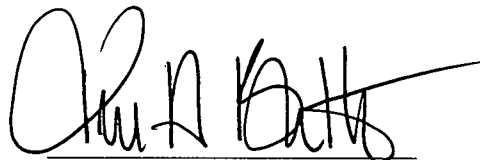
Quincy McCants,.....Petitioner,

vs.

State of South Carolina,.....Respondent.

NOTICE OF APPEAL

Quincy McCants, Petitioner, appeals the Order of Dismissal issued by the Honorable Edgar W. Dickson on November 24, 2014 and filed on February 10, 2015. Petitioner also appeals the Order Denying Applicant's Motion to Alter or Amend a Judgment signed by the Honorable Edgar W. Dickson on September 7, 2015, which was filed on September 28, 2015. Petitioner, through counsel, received email notice of the entry of the Order on September 29, 2015.



Tricia A. Blanchette
S.C. Bar No. 74904
PO Box 12725
Columbia, SC 29211
(803) 988-0008

October 16, 2015

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
Post Conviction Relief
Honorable Edgar W. Dickson, Circuit Court Judge

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Quincy McCants,.....Petitioner,

vs.

State of South Carolina,.....Respondent.

CERTIFICATE OF SERVICE

I, Tricia A. Blanchette, Attorney at Law, hereby certify that copy of a Notice of Intent to Appeal, was hand delivered this 16th day of October to Patrick L. Schmeckpeper of the Attorney General's Office, at:

Office of the Attorney General
ATT: Patrick L. Schmeckpeper, Ast. AG
1000 Assembly Street, Room 519
Columbia, SC 29201



Tricia A. Blanchette
PO Box 12725
Columbia, SC 29211
(803) 988-0008

October 16, 2015

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF LEXINGTON)	11 TH JUDICIAL CIRCUIT
)	
QUINCY McCANTS,)	
)	CASE NO.: 2009-CP-32-04236
Petitioner,)	
)	
v.)	ORDER APPOINTING COUNSEL
)	
STATE OF SOUTH CAROLINA,)	
)	
Defendant.)	

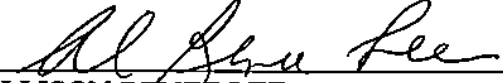
IT APPEARS, the above-named Petitioner, who is a litigant in this case, is entitled to court-appointed counsel.

IT FURTHER APPEARS that on February 1, 2019, the Supreme Court of South Carolina vacated the order dismissing petitioner’s PCR application and remanded this case to the circuit court for a hearing within sixty (60) days of the date of its order.

THEREFORE, IT IS ORDERED that DON A. THOMPSON, is hereby appointed as counsel for the above-named petitioner. Any counsel previously appointed is hereby relieved.

The Clerk of Court is directed to forward a copy of this order to all persons entitled to notice.

IT IS SO ORDERED.


 ALLISON RENEE LEE
 Chief Administrative Judge

February 7, 2019

Petitioner Attorney:
 Don A. Thompson
 Attorney at Law
 107 Smithwood Court
 Simpsonville, SC 29681

Defendant Attorney:
 Kelly Oppenheimer
 SC Attorney General’s Office
 Post Office Box 11549
 Columbia, SC 29211-1549



FILED

2019 FEB 11 PM 2:24

LISA M. COMER
CLERK OF COURT
LEXINGTON SCALAN WILSON
ATTORNEY GENERAL

February 5, 2019

The Honorable Lisa M. Comer
Clerk of Court, Lexington County
205 East Main Street, Suite 128
Lexington, South Carolina 29072

Re: Quincy McCants v. State of South Carolina
Appellate Case No.: 2015-002142
Circuit Court Case No.: 2009-CP-32-04236

Dear Ms. Comer:

By order dated December 1, 2016, the Supreme Court remanded the above-referenced post-conviction relief matter to the Honorable Edgar W. Dickson in order to reconstruct the record. A hearing into the matter was subsequently convened; and on December 14, 2018, Judge Dickson issued an order finding the record was unable to be reconstructed. Mr. McCants then moved to vacate Judge Dickson's previous order of dismissal and remand for a new post-conviction relief hearing on December 20, 2018. The Supreme Court granted Mr. McCants's motion by written order dated February 1, 2019, and remanded this matter to the circuit court for a new post-conviction relief hearing within sixty days. A copy of this order is enclosed.

Therefore, please re-open Mr. McCants's post-conviction relief case (2009-CP-32-04236) in accordance with the Supreme Court's opinion. Additionally, please immediately appoint counsel to represent Mr. McCants on this action and provide me with the name of this attorney once counsel has been appointed so that I may coordinate the scheduling of a hearing during the next post-conviction relief term of court for the Eleventh Judicial Circuit, scheduled to be held the week of April 1, 2019, to ensure the timeline established by the Supreme Court is met.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Kelly Oppenheimer
Assistant Attorney General

KO
Enclosure

cc: The Honorable Daniel E. Shearouse
The Honorable S.R. Hubbard, III, Solicitor for the Eleventh Judicial Circuit
Taylor D. Gilliam, Appellate Counsel for Mr. McCants
Victim Advocacy Division

FILED

STATE OF SOUTH CAROLINA)

2019 MAR 29 PM 2:21

COUNTY OF LEXINGTON)

LISA M. COMER
CLERK OF COURT
LEXINGTON SC

IN THE COURT OF COMMON PLEAS
2009-CP-32-4236

Quincy A. McCants, 318280,)

Applicant,)

vs.)

State of South Carolina.)

Respondent.)

Order of
~~MOTION FOR~~ CONTINUANCE

This matter comes before this Court by way of an Application for Post-Conviction Relief (PCR) scheduled for April 3, 2019 at the Lexington County Courthouse. The State now moves for a continuance because one of the Applicant's trial attorneys, Stanley Myers, Esquire, has a week-long trial scheduled in General Sessions in Chester County the week of April 1. The State advises that Mr. Myers is an important witness to the proceedings. Opposing counsel, Don A. Thompson, Esquire, does not object to the continuance.

For good cause shown, this Court finds that this matter should be continued until the next term of court for post-conviction relief matters in the Eleventh Judicial Circuit.

IT IS THEREFORE ORDERED:

- 1. That this post-conviction relief matter shall be continued and rescheduled,
- 2. Applicant shall be remanded to the custody of the State.

AND IT IS SO ORDERED this 29th day of March 2019.

Alison Renee Lee
ALISON RENEE LEE
Chief Judge for Common Pleas
Eleventh Judicial Circuit

Columbia, South Carolina