

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

NOV 23 2020

APPEAL FROM HORRY COUNTY
Court of Common Pleas

SC Court of Appeals

George M. McFaddin, Jr., Circuit Court Judge

Case No. 2019-CP-26-0140

State of South Carolina,

Respondent,

v.

Eugene Hardy,

Appellant.

NOTICE OF APPEAL

Eugene Hardy appeals the order of the Honorable George McFaddin, Jr. dated August 20, 2020. Appellant received written notice of entry of this order on August 31, 2020. Counsel is retiring and requesting that another attorney be appointed for the appeal.

November 19, 2020



Carla F. Grabert-Lowenstein, Esquire
Law Office of Carla Faye Grabert-Lowenstein LLC
211 Laurel Street
Conway, South Carolina 29526
Attorney for Appellant

cc:
Attorney General's Office
Chelsey Marto
1000 Assembly Street
Room 519
Columbia, SC 29201

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
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George M. McFaddin, Jr., Circuit Court Judge

Case No. 2019-CP-26-0140

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State of South Carolina,

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Eugene Hardy,

Appellant.

PROOF OF SERVICE

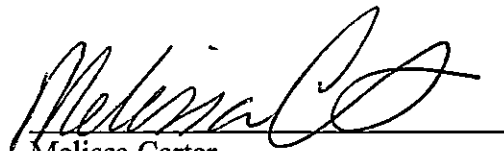
I certify that, on this date, I, Melissa Carter, Legal Assistant of The Law Office of Carla F. Grabert-Lowenstein LLC., served a copy of the Notice of Appeal regarding the above referenced matter by priority mail to him/her, at his/her last known address, by depositing it in the U.S. First-Class Mail, in an envelope with sufficient postage affixed, addressed as follows:

Court of Appeals
Jenny Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

Attorney General's Office
Chelsey Marto
1000 Assembly Street
Room 519
Columbia, SC 29201

Horry Clerk of Court
P.O. Box 677
Conway, SC 29526

November 19, 2020
Conway, South Carolina

A handwritten signature in black ink, appearing to read "Melissa Carter", is written over a horizontal line.

Melissa Carter
Legal Assistant
The Law Office of
Carla F. Grabert-Lowenstein, LLC
211 Laurel St.,
Conway, SC 29526
Tele: (843) 488-0912
Fax: (843) 488-0916

**LETTER TO THE APPELLATE COURT CLERK
FILING THE NOTICE OF APPEAL**

November 19, 2020

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

RECEIVED

NOV 23 2020

SC Court of Appeals

RE: Eugene Hardy, Appellant v. State of South Carolina,
Case No. 2019-CP-26-0140

Dear Ms. Kitchings:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent.
- (2) A copy of the order which is to be challenged on appeal.

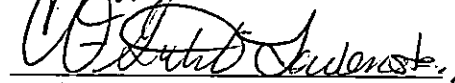
In endeavoring to obtain the signed final order. We were told by chambers the Post-Conviction Relief petition of Mr. Hardy had been dismissed. A copy of the unsigned order was sent to Mr. Hardy on June 30, 2020. My office also spoke to Mr. Hardy on July 14, 2020 and informed him of the dismissal:

The signed Final Order was received by my office on August 26, 2020. There was an unfortunate lag of sending the Final Order to Mr. Hardy. There was a conversation with Mr. Hardy on November 13, 2020. I told him he could do another PCR and I would double check whether or not appeal was available.

Mr. Hardy had not requested filing a Notice of Appeal until that day. Mr. Hardy called back and requested I do the Notice of Appeal. I explained to Mr. Hardy that I will not be handling the appeal as I am retiring.

I am retiring and **not available** to do the appeal on this case. I have prepared Notice of Appeal but request another attorney be appointed.

Sincerely,



Carla F. Grabert-Lowenstein
211 Laurel Street
Conway, SC 29526
843-488-0912 (Telephone)
843-488-0916 (Fax)
cfigllaw@sccoast.net
Attorney for Plaintiff



The Law Offices of
CARLA FAYE GRABERT-LOWENSTEIN
Attorney At Law
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- U.S. District Court South Carolina
- U.S. Fourth Circuit Court of Appeals
- U.S. Supreme Court

November 19, 2020

Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

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NOV 23 2020

SC Court of Appeals

Dear Ms. Kitchings,

Enclosed please find an original and one (1) copy of Letter to the Appellate Court, Appeal, Notice of Appeal, and Proof of Notice of Appeal.

We would appreciate your filing and returning a clocked copy to our office in the envelope provided.

Thank you for your assistance in this matter.

Sincerely yours,

THE LAW OFFICE OF CARLA F. GRABERT-LOWENSTEIN

Melissa Carter
Legal Assistant

Enclosures: Letter to the Appellate Court, Appeal, Notice of Appeal, Proof of Notice of Appeal



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FROM:

Carla Grabert-Lowenstein
Attorney at Law
211 Laurel Street
Conway, SC 29526

TO: Court of Appeals
Jenny Kitchens
Clerk of Court
PO Box 11629
Columbia, SC 29211

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Label 228, March 2018

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