

LAW OFFICE OF MELINDA A. KNOWLES



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December 9, 2020

SC Court of Appeals
PO Box 11629
Columbia, SC 29211

RECEIVED

DEC 14 2020

SC Court of Appeals

RE: Appellate Case No – 2020-001459
State v. Glenda R. Fuson

Dear Sir/Madam:

Enclosed please find copies of the correspondence sent to Glenda R. Fuson regarding the reinstatement of her appeal. As instructed, she was provided with copies of my motion requesting reconsideration of the initial dismissal of her appeal as well as copies of your most recent correspondence to me. Should further action be needed on my part, please do not hesitate to contact me at 843.488.0778 or via email.

Sincerely,


Melinda Knowles, Esq.

Enclosures: December 9, 2020 letter to Ms. Fuson

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December 9, 2020

Camille Graham Correctional Center
Attn: Inmate No – 00372438/Glenda R. Fuson
4500 Broad River Road
Columbia, SC 29210

RE: Status of Appeal
Appellate Case No: 2020-001459

Dear Ms. Fuson:

Enclosed please find the most recent correspondence received from the South Carolina Court of Appeals reinstating your appeal. If you will recall, the Court of Appeals initially dismissed your appeal as untimely filed. However, after my motion requesting reconsideration of the dismissal the Court agreed to reinstate your appeal. I have also enclosed a copy of that motion for your records. Please note: You have (20) days from the date of this letter to inform the South Court of Appeals, in writing, of the basis for your appeal (i.e., the preserved issues that your appeal is based upon).


The address to send this writing is as follows:

South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

If the Court of Appeals does not receive your appealable issues in writing within the (20) twenty-day deadline, your appeal will be dismissed. If you need

further legal assistance in order to send your response, I suggest contacting the Office of Appellate Defense for help.

Sincerely,

A handwritten signature in black ink that reads "Melinda Knowles". The signature is written in a cursive style with a long, sweeping underline.

Melinda Knowles, Esq.

Enclosure(s): Motion to Reconsider Dismissal of Appeal (2 pages)

Correspondence from SC Court of Appeals dated December 9, 2020 (3 pages)

Cc: SC Court of Appeals



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
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December 9, 2020

Ms. Melinda Allyson Knowles, Esquire
802 Main Street
Conway SC 29526

Re: The State v. Glenda R. Fuson
Appellate Case No. 2020-001459

Dear Counsel:

This Court has received your explanation for appealing.

Please forward your explanation to your client, along with a statement that your client has twenty (20) days from the date of your transmittal letter to inform this Court in writing of any arguable basis that there are issues preserved for appeal. Please provide your client with the Court's address:

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Please send your letter to your client within ten (10) days, with a copy to this Court, or this appeal will be dismissed.

Very truly yours,

V. Claire Allen

CLERK

cc: Glenda R. Fuson, 00372438
Robert Michael Dudek, Esquire
Cara Joyce Walker, Esquire
Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire

The South Carolina Court of Appeals

The State, Respondent,

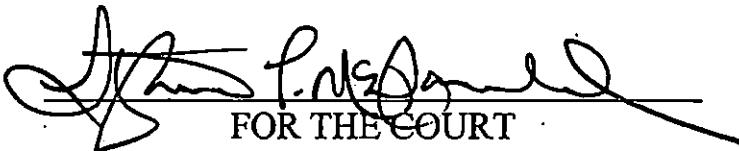
v.

Glenda Ruth Fuson, Appellant.

Appellate Case No. 2020-001459

ORDER

The motion to reinstate this appeal is granted.



FOR THE COURT

Columbia, South Carolina

cc:

Glenda R. Fuson, 00372438
Melinda Allyson Knowles, Esquire
Robert Michael Dudek, Esquire
Cara Joyce Walker, Esquire
Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire

FILED
Dec 09 2020

<p>STATE OF SOUTH CAROLINA</p> <p>The State of South Carolina,</p> <p style="text-align: right;">Respondent,</p> <p style="text-align: center;">Vs.</p> <p>Glenda Ruth Fuson,</p> <p style="text-align: right;">Appellant.</p>	<p>SOUTH CAROLINA COURT OF APPEALS</p> <p style="text-align: center;">Appellate Case No: 2020-001459</p> <p style="text-align: center;"><u>MOTION TO RECONSIDER</u> <u>DISMISSAL OF APPEAL</u></p>
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PLEASE TAKE NOTICE that the above-named Appellant, Glenda Ruth Fuson, by and through the undersigned counsel, moves before this Honorable Court following the receipt of this Court's decision as was outlined in the Order dated November 12, 2020. Appellant is requesting reconsideration of this Court's decision as Appellant would argue that this notice of appeal was timely filed.

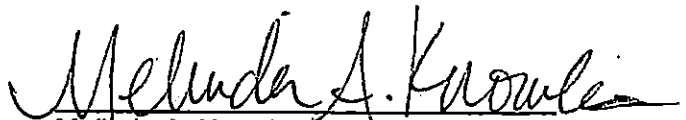
Appellant's argument is based upon the following: Appellant entered a guilty plea before the Honorable William H. Seals on September 1, 2020. At the conclusion of this plea, Appellant received a ten-year sentence, however, that sentence was suspended upon Appellant's participation in our county's Mental Health Court program. Unfortunately, Appellant failed to appear for the first Mental Health Court session and a bench warrant was issued for her arrest. Shortly thereafter, Appellant was arrested on new charges at which time this bench warrant was served upon her and a Mental Health Court Termination Hearing was scheduled. This termination hearing was held on October 26, 2020 before the Honorable Aaron Butler and Appellant's ten-year sentence was activated at that time. A copy of the Order issued at the Mental Health Court Termination Hearing is attached and marked as Exhibit A.

After Appellant's sentence was activated by Judge Butler on October 26, 2020, Appellant requested that an appeal be filed on her behalf. The Notice of Appeal was then drafted along with

all necessary documentation and submitted to this Honorable Court. Receipt of such documentation verified by the Court's official stamp indicating receipt on October 30, 2020. Therefore, Appellant would argue that the notice of appeal was timely filed as it was served upon the Court (3) days after Appellant's sentence was activated – well within the (10) days specified within Rule 203 (b)(2) of South Carolina Appellate Court Rules. Appellant respectfully requests that this Court reconsider its previous ruling in this matter and reopen this case.

WHEREFORE, the undersigned prays for a ruling that is just and proper allowing Appellant to exercise the right of appellate review of this case.

Respectfully Submitted,



Melinda A. Knowles, Esquire
Attorney Bar No. 0075286
802 Main Street
Conway, SC 29526
(843) 488-0778

Conway, South Carolina
November 13, 2020

EXHIBIT A

COPY OF ORDER ISSUED ON OCTOBER 26, 2020

STATE OF SOUTH CAROLINA)	IN THE HORRY COUNTY MENTAL HEALTH COURT
IN THE MATTER OF:)	CASE NO. 15D150145
)	WARRANT NO: 2019A2620700533,
)	2019A2620700614, 2020A2610200290
)	ORDER OF DISMISSAL FROM MENTAL
Glenda Fuson,)	HEALTH COURT AND ORDER OF REMAND
Participant)	TO THE SOUTH CAROLINA DEPARTMENT
_____)	OF CORRECTIONS AND RELEASE OF
_____)	HOLDS

To: All the Sheriffs, Deputy Sheriffs, Constables, and other Peace Officers of the State:

WHEREAS, the above named individual was voluntarily admitted into the Horry County Mental Health Court having requested admission, found appropriate for admission and sentenced to said program on September 1, 2020

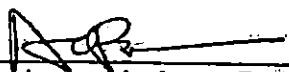
WHEREAS, the Court has now determined that the above named, Glenda Fuson, has failed to comply with the requirements of the Horry County Mental Health Court and, therefore, is disqualified from remaining a participant of the Mental Health Court.

Therefore, it is hereby

ORDERED that the above named, Glenda Fuson, is hereby dismissed from the Horry County Mental Health Court, that she is hereby REMANDED to the custody of the South Carolina Department of Corrections for the execution of the sentence imposed by the Honorable William Seals on September 1, 2020 (that sentence being ten years), that Glenda Fuson should not receive credit for any time served at J. Reuben Long Detention Center while in the Horry County Mental Health Court, and any preexisting hold orders for Mental Health Court are hereby released.

IT IS SO ORDERED.

OCTOBER 26, 2020
Conway, South Carolina



 The Honorable Aaron Butler
 Judge of the Horry County Mental Health Court

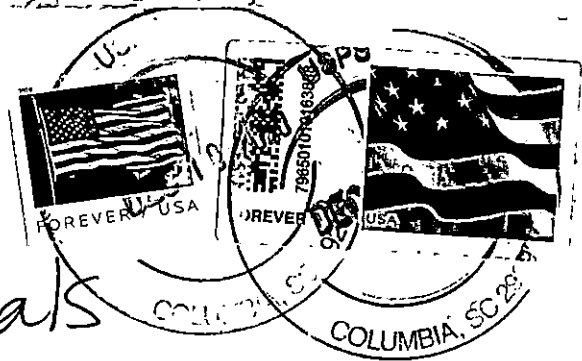
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 FILED
 COURT CLERK
 HORRY COUNTY, SC



An Advocate for Justice

Law Office of Melinda Knowles

An Advocate for Justice
802 Main Street
Conway, South Carolina 29526



SC Court of Appeals

PO Box 11629

Columbia, SC 29211

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SC Court of Appeals

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