



SCHULTZ
LAW FIRM, LLC

E. JOSHUA SCHULTZ

184 North Daniel Morgan Avenue
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www.spartanburglawoffice.com

December 14, 2020

Elisten Douglas Buchanan #00384521
Kirkland Correctional Institute
4344 Broad River Rd.
Columbia, SC 29210

RE: DIRECT APPEAL

Dear Mr. Buchanan:

I hope this letter finds you well. As you will recall, you stated that you wished for me to file on your behalf, a Notice of Intent to Appeal, which I did.

However, under current practice, the Court of Appeals now requires that an "arguable basis" exists before the court will hear appeals from guilty pleas. I previously provided the court with my position in this matter, and am enclosing for you another copy of this. In your case, the Judge was sitting in his proper jurisdiction and sentenced you within the statutory penalties.

As I stated in my earlier letter, which I am enclosing a copy, you may still challenge your conviction and sentence, however, a direct appeal would not be an effective method to do so.

In any event, I have been requested to advise you that you have Sixteen days from the date of this letter to inform the SC Court of Appeals, in writing, of the grounds of your arguable basis that there are issues preserved for your appeal from the guilty plea. I am including a copy of the letter I received from the South Carolina Court of Appeals, which contains the mailing address. If you do not respond in a timely fashion, your appeal will be dismissed.

Be aware of the one year statute of limitation for filing for a PCR.

Sincerely yours,

E. Joshua Schultz

EJS/cct
Enclosures

cc: Court of Appeals

RECEIVED

DEC 16 2020

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

The Honorable J. Derham Cole
Seventh Judicial Circuit Court Judge

RECEIVED

Dec 09 2020

SC Court of Appeals

Case Nos.

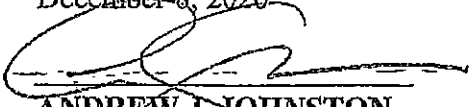
20192580021859, 2019A4210102535

The State of South Carolina.....Respondent
vs.
Elisten Douglas Buchanan.....Appellant

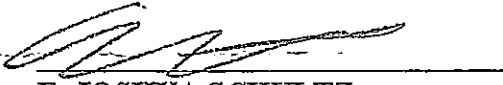
EXPLANATION OF APPEAL PURSUANT TO RULE 203(d)(1)(B), SCACR

Pursuant to Rule 203(d)(1)(B), SCACR, Elisten Douglas Buchanan files this explanation of his appeal of his guilty plea, conviction and sentence in this case. The sentence was imposed by the Honorable J. Derham Cole on December 2, 2020. No issues were raised during the guilty plea; however, the client insisted upon an appeal; therefore, this appeal was filed pursuant to Weathers v. State, 319 S.C. 59, 459 S.E.2d 838 (1995), and State v. Thrift, 378 S.C. 70, 661 S.E.2d 373 (2008).

December 8, 2020



ANDREW J. JOHNSTON
Co- Counsel for Appellant
184 North Daniel Morgan Avenue
Spartanburg SC 29306
(864) 591-1093



E. JOSHUA SCHULTZ
Co-Counsel for Appellant
184 North Daniel Morgan Avenue
Spartanburg, South Carolina 29306
(864) 582-3030
Email: jschultz@schultzlawfirmllc.com

Other Counsel of record:

Katryna Bevis Owens, Esquire
Seventh Circuit Solicitor's Office
180 Magnolia Street
Spartanburg SC 29306

AMY W. COX
SPARTANBURG COUNTY
CLERK OF COURT

2020 DEC -8 AM 11:00

FILED



E. JOSHUA SCHULTZ

184 North Daniel Morgan Avenue
Spartanburg, South Carolina 29306
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www.spartanburglawoffice.com

December 10, 2020

Elisten Douglas Buchanan #00384521
Kirkland Correctional Institution
4244 Broad River Road
Columbia SC 29210

Dear Mr. Buchanan,

Please find enclosed a letter we received from the South Carolina Court of Appeals. This letter is to inform you that you must write to the court of appeals with an arguable basis that there are any issues preserved for your appeal. The address that you must send this letter to is

South Carolina Court of appeals
PO Box 11629
Columbia SC 29211

If you do not send this letter within 20 days of the date of this letter then the Court will dismiss your appeal.

Sincerely,

E. Joshua Schultz
EJS/cct

cc: South Carolina 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
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 10, 2020

Mr. E. Joshua Schultz, Esquire
184 N. Daniel Morgan Avenue
Spartanburg SC 29306

Mr. Andrew J. Johnston, Esquire
Johnston Law Firm, LLC
PO Box 3252
Spartanburg SC 29304-3252

Re: The State v. Elisten D. Buchanan
Appellate Case No. 2020-001601

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,

Christopher J. Jamison, deputy

CLERK

cc: Robert Michael Dudek, Esquire.
Katryna Bevis Owens, Esquire
Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire



SCHULTZ
LAW FIRM, LLC

184 North Daniel Morgan Avenue
Spartanburg, South Carolina 29306

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MAILED FROM ZIP CODE 29306

The Honorable Jenny Abbott Kitchings
Clerk of the SC Court of Appeals
PO Box 11629
Columbia SC 29211

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DEC 16 2020

SC Court of Appeals

29211-162929

