

THE STATE OF SOUTH CAROLINA
In the Court of Appeal

APPEAL FROM HORRY COUNTY
Court of General Sessions

The Honorable Michael G. Nettles

RECEIVED

Jan 12 2021

SC Court of Appeals

INDICTMENT NOS: 2019GS2600254
2019GS2600255
2019GS2600256

State of South Carolina.....Respondent,

v.

Javaline Tyree Dawkins.....Appellant.

MOTION TO REINSTATE APPEAL

That Appellant, by and through his undersigned trial court attorney, hereby moves this honorable court, pursuant to South Carolina Rules of Appeal Rule 260(a), by motion, to reinstate his notice of appeal based on the following information:

That the sentence was imposed by the Honorable Michael G. Nettles, on November 6, 2020, the same day the jury returned its verdict on these charges.

That Defendant filed timely post-trial motions and a notice of intent to appeal in the lower court of General Sessions on November 13, 2020, pursuant to the rule. (See attached "Exhibit A" filed post trial motion and notice of intent to appeal along with a certificate of service of the motion and notice).

That Judge Michael Nettles, the State Prosecutor, undersigned Defense Counsel, and Defendant appeared via a virtual WebEx hearing on November 24, 2020. The Defendant's post-trial motions were heard. That Judge Nettles did not make a ruling on November 24, 2020.

That Judge Nettles gave written notice denying Defendant's post trial motions on

December 22, 2020 via electronic delivery and attached a copy of the Order of Denial. (See attached "Exhibit B" electronic notice of order of denial and a copy of the unsigned order denying Defendant's post trial motions). The undersigned counsel has not yet received a copy of the signed order nor has it been filed with the General Sessions Court of Horry County.

However, that immediately upon the receipt of the written notice of the denial of Defendant's post trial motions, Defendant, by and through his undersigned counsel, properly mailed on December 23, 2020, and filed a Notice of Intent to Appeal (within 10 days) and properly served a copy of the Notice of Intent unto the lower court and the State's Prosecuting Attorneys (See attached "Exhibit C" filed Notice of Intent and Certificate of Service).

That Defense Counsel received a notice of dismissal of the Appeal on January 11, 2021; however, counsel alleges this dismissal was in error. That pursuant to South Carolina Rules of Appeal Rule 203(2) Appeals from the Court of General Sessions states "when a timely post-trial motion is made under Rule 29(a), SCRCrimP, the time to appeal shall be stayed and shall begin to run from receipt of written notice of entry of an order granting or denying such motion; and further the notice of appeal must be served within ten (10) days of receiving actual notice of the ruling or order".

WHEREFORE, Defendant's Motion to Reinstate his Appeal should be granted.

January 11, 2021



Thomas C. Brittain, Esq.

SC Bar # 893

Fed Bar # 04920

THE BRITTAIN LAW FIRM

4614 Oleander Drive

Myrtle Beach, SC 29577

Phone: (843) 449-8562

Fax: (843) 449-6148

Trial Attorney for Javaline Tyree Dawkins

Other Counsel of Record:

Nancy Livesay, Violent Crimes Prosecutor
Solicitor for Horry County
P.O. Box 1236
Conway, SC 29528
Phone: (843) 915-5460
Fax: (843) 915-6460
Attorney for Respondent

Chris Helms, Assistant Solicitor
Solicitor for Horry County
P.O. Box 1236
Conway, SC 29528
Phone: (843) 915-5460
Fax: (843) 915-6460
Attorney for the Respondent

EXHIBIT "A"

COPY

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) Case No.: 2018A2620602156; 2018A2620602157;
 COUNTY OF HORRY) 2018A2620602158; 2018A2620602159
) Indictment No: 2019GS2600254;
) 2019GS2600255; 2019GS2600256;
) 2019GS2600258; 2018A2620602159
 STATE OF SOUTH CAROLINA,)
)
 vs.) DEFENDANT'S POST TRIAL MOTIONS
)
JAVALINE TYREE DAWKINS.)

TO: THE HONORABLE COURT:

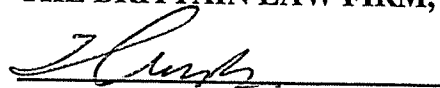
NOW COMES Thomas C. Brittain and Preston Brittain attorneys for Javaline Dawkins, seeking an order from the Court granting Dawkins a new trial or dismissing the Jury verdict rendered 6 November 2020 for the following reasons:

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 2020 NOV 13 PM 1:33
 PENELOPE ELMIS
 CLERK OF COURT
 HORRY COUNTY, SC

1. Court ruled that Dawkins could not present evidence of the victims "gang affiliation" despite father's statement of same.
2. Witness Salliby on purpose raised "Dawkins' criminal history" in an outburst which could not be corrected by a curative instruction (motion for mistrial denied) - further jury sought to hear the testimony again.
3. Prosecutors defied the Judge claiming unfairness in the Court's ruling during witness testimony which was never addressed by the Court bestowing more authority on the State's attorneys.

WHEREFORE, a new trial or dismissal is hereby requested.

THE BRITTAIN LAW FIRM, P.A.



Thomas C. Brittain, Esq.
 SC Bar # 00893
 A. Preston Brittain, Esq.
 SC Bar # 73707
 4614 Oleander Drive

November 13, 2020

(843) 449-8562
Myrtle Beach, SC 29577
Attorney for the Defendant

FILED

2020 NOV 13 PM 1:37

RENEE A. ELVIS
CLERK OF COURT
Horry County, SC

SC COPY

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) Case No.: 2018A2620602156; 2018A2620602157;
 COUNTY OF HORRY) 2018A2620602158; 2018A2620602159
) Indictment No: 2019GS2600254;
) 2019GS2600255; 2019GS2600256;
) 2019GS2600258; 2018A2620602159
 STATE OF SOUTH CAROLINA,)
)
 vs.) **CERTIFICATE OF SERVICE**
)
JAVALINE TYREE DAWKINS.)

Joseph Brown hereby certifies that he is an employee of The Brittain Law Firm, P.A., attorneys for DEFENDANT and that he caused to be mailed this day, November 13, 2020 the documents listed below in the above entitled action to the parties set out below:

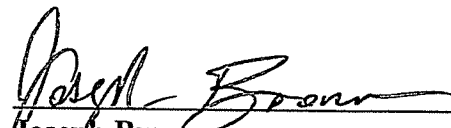
- via electronic mail delivery
- via first class mail delivery
- via first certified mail delivery
- via certified return receipt restricted delivery
- hand delivery**

2020 NOV 13 PM 1:37
 RENEE M. ELMIS
 CLERK OF COURT
 HORRY COUNTY, SC

FILED

DOCUMENTS: **DEFENDANT'S NOTICE OF INTENT TO APPEAL
 DEFENDANT'S POST TRIAL MOTIONS**

ADDRESSEE(S): Nancy R. Livesay, Violent Crimes Prosecutor
 Chris Helms, Horry County Solicitor
 Horry County Solicitor's Office
 P.O. Box 1276
 Conway, SC 29528



Joseph Brown
 The Brittain Law Firm, PA
 4614 Oleander Drive
 Myrtle Beach, SC 20577
 (O) 843.449.8562
 (F) 843.497.6124
Joseph@brittainlawfirm.com

Commission Expires: July 15, 2024

Heeky

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA,)
vs.)
JAVALINE TYREE DAWKINS.)

IN THE COURT OF GENERAL SESSIONS
Case No.: 2018A2620602156; 2018A2620602157;
2018A2620602158; 2018A2620602159
Indictment No: 2019GS2600254;
2019GS2600255; 2019GS2600256;
2019GS2600258; 2018A2620602159

**DEFENDANT'S NOTICE OF
INTENT TO APPEAL**

TO: THE HONORABLE COURT:

NOW COMES Javaline Tyree Dawkins by and through his undersigned attorney of record, and hereby moves to appeal and does in fact appeal the verdict of the jury in the above-captioned case on November 6, 2020.

FILED
2020 NOV 13 PM 1:37
GEN. H. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

THE BRITTAIN LAW FIRM, P.A.



Thomas C. Brittain, Esq.
SC Bar # 00893
A. Preston Brittain, Esq.
SC Bar # 73707
4614 Oleander Drive
Myrtle Beach, SC 29577
(843)-449-8562
Attorney for the Defendant

November 13, 2020
Myrtle Beach, South Carolina

EXHIBIT "B"

Miranda Byrnside

From: Nettles, Michael G. Law Clerk (Charles Smith) <MNettlesLC@sccourts.org>
Sent: Tuesday, December 22, 2020 11:16 AM
To: Miranda Byrnside; Livesay, Nancy R; Helms, Chris; Preston Brittain; Tommy Brittain; Miller, Lacey; Joseph Brown
Cc: Nettles, Michael G. Secretary (Sherrie E. Byrd)
Subject: Order - Javaline Dawkins Post Trial Motions
Attachments: State v. Javaline Tyree Dawkins - Post-Trial Motions.docx

Good morning,

Please see the attached Order for *State of South Carolina v. Javaline Tyree Dawkins*. The signed, original copy will be forthcoming in the mail. Please feel free to contact me if you have any questions or concerns.

Thank you,

Chase Smith
Law Clerk to the Honorable Michael G. Nettles
181 N. Irby St., Suite 3610
Florence, SC 29501
(843) 292-7433 (Office)
(843) 251-6057 (Cell)
(843) 292-7436 (Fax)
mnettleslc@sccourts.org

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STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

IN THE COURT OF GENERAL  
SESSIONS  
FIFTEENTH JUDICIAL CIRCUIT

**Case No.:** 2018A2620602156;  
2018A2620602157; 2018A2620602158;  
2018A2620602159.

**Indictment No.:** 2019GS2600254;  
2019GS2600255; 2019GS2600256;  
2019GS2600258; 2019GS2600259.

STATE OF SOUTH CAROLINA,

vs.

JAVALINE TYREE DAWKINS.

**ORDER DENYING DEFENDANT'S  
MOTION FOR NEW TRIAL AND  
MOTION TO SET ASIDE JURY  
VERDICT**

### **I. Introduction**

This matter came before the Court on November 13, 2020, pursuant to Defendant's Post-Trial Motions. Defendant is seeking an Order granting a new trial or an Order dismissing the jury verdict rendered on November 6, 2020. This hearing was held via Webex. Present at the hearing were Defendant, Javaline Tyree Dawkins, and Defendant's Attorney, Mr. Thomas Brittain. Ms. Nancy Livesay and Mr. Chris Helms were present for the State. For the reasons set forth below, Defendant's Post-Trial Motions are DENIED.

### **II. Grounds For Defendant's Motion**

Defendant argues that the Court should grant a new trial or dismiss the jury verdict for the following reasons:

- 1.) The "Court ruled that Defendant could not present evidence of the victims 'gang affiliation' despite father's statement of same";

- 2.) A “[w]itness Salliby [intentionally] raised ‘Dawkins’ criminal history’ in an outburst which could not be corrected by a curative instruction (motion for mistrial denied) – further jury sought to hear the testimony again”;
- 3.) The “Prosecutors defied the Judge claiming unfairness in the Court’s ruling during witness testimony which was never addressed by the Court bestowing more authority on the State’s attorneys.” (Def. Post Trial Mot. ¶ 1.)

For the reasons set forth below, Defendant’s Post-Trial Motions are DENIED. The Court will address each argument in turn.

### **III. Analysis**

#### **A. The Court Properly Excluded Evidence of the Victim’s Alleged Gang Affiliation.**

Defendant first argues that the Court should grant a new trial or dismiss the jury verdict because the Court ruled that Defendant could not present evidence of the victim’s “gang affiliation.” Defendant argues that the victim had gang-affiliations, and the victim’s father would have testified to that fact. Thus, Defendant argues that he should have been able to present evidence of the victim’s gang-affiliation. However, Defendant did not call the victim’s father to the stand and did not proffer sufficient evidence to establish the relevancy of the victim’s gang-affiliation or its relatedness to the shooting.

Whether the victim was in a gang is not relevant to the issue at hand. Pursuant to Rule 401, SCRE, “‘relevant evidence’ means evidence having the tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” State v. Sobers, 404 S.C. 263, 268, 744 S.E.2d 588, 590, (2013). In this case, the determination of Defendant’s guilt does not turn on whether the victim was in a gang. There is no claim that Defendant shot the victim in self-defense or that the victim was the

first aggressor. Law enforcement does not have any gang-related information on the victim in their databases, nor does the victim have any tattoos indicative of gang membership. Additionally, the victim's criminal record was minimal.

Evidence of the victim's gang affiliation was properly excluded. The evidence was insufficient to establish that the victim was, in fact, in a gang. The insufficiency of the evidence coupled with the prejudicial effect the introduction of such evidence warrants its exclusion.

Therefore, the Court hereby denies Defendant's Post Trial Motion as to Defendant's first ground.

**B. The Witness Did Not Intentionally Raise the Issue of Defendant's Criminal History, and The Court's Curative Instruction Was Sufficient to Correct the Need For A Mistrial.**

Defendant next contends that the Prosecution's witness, Mr. Salliby, intentionally raised the Defendant's criminal history while being cross-examined. In essence, Defendant's attorney was attempting to impeach Mr. Salliby by questioning Mr. Salliby about his prior criminal history. Mr. Salliby then stated that they should be looking at Defendant's prior criminal record, not Mr. Salliby's.

Although Mr. Salliby did have an outburst while on the stand, the statement made by Mr. Salliby was not so egregious as to warrant a new trial. Mr. Salliby's statement was a generalized statement about looking at Defendant's prior criminal history, rather than Mr. Salliby's. The Court immediately stopped Mr. Salliby from continuing and instructed the jury to disregard the statement.

Defendant also argues that the Court's curative instruction was insufficient to correct the taint of Mr. Salliby's comment. Defendant claims that because the jury asked to hear Mr. Salliby's testimony a second time during deliberation, the curative instruction was ineffective. This,

however, is not entirely accurate. Although the jury did ask to listen to *a portion* of Mr. Salliby's testimony again, the jury asked to listen to the *direct examination* of Mr. Salliby, not the cross-examination of Mr. Salliby. The comment at issue occurred during Defendant's cross-examination of the witness. Therefore, the jury did not ask to listen to Mr. Salliby's improper comment a second time.

For the reasons stated above, the Court denies Defendant's Post-Trial Motion as to Defendant's second ground.

**C. The Prosecutor's Statement Did Not Infect The Trial With Unfairness As To Make The Resulting Conviction A Denial of Due Process.**

Lastly, Defendant argues that the Prosecution defied the Court's rulings and suggested an element of unfairness during the trial and in the presence of the jury. Specifically, Defendant contends that the Prosecution suggested that the State was being treated unfairly during the trial.

The statement in question occurred during the Prosecution's *re-direct* examination of a witness. The Prosecution asked a series of leading questions during re-direct examination, to which Defendant properly objected to, and the Court sustained. The Solicitor, Ms. Livesay, responded with a statement alleging that the Court was not fair to the State by sustaining the objection of Defense Counsel. The Court instructed Ms. Livesay to refrain from leading the witness and reminded Ms. Livesay to ask open-ended, non-leading questions.

Ms. Livesay was conducting a re-direct examination of a witness, not a cross-examination. Therefore, Defendant's objections to Ms. Livesay leading the witness were proper. The Court did not find that a curative instruction was necessary. In the event a curative instruction was given, it would require an in-depth discussion of direct examination, cross-examination, and the necessity to ask direct questions on re-direct. That issue has nothing to do with the conviction of Defendant.

Although Ms. Livesay's comment was improper, it did not so unfairly prejudice Defendant as to deny him a fair trial. The primary reason Defendant was convicted was the overwhelming circumstantial evidence accompanied by the testimony of Mr. Salliby, who testified as to inculpatory statements made by Defendant.

For the reasons stated above, the Court denies Defendant's Post-Trial Motions on the third and final ground.

**D. Conclusion**

For the reasons stated above, Defendant's Post-Trial Motions for New Trial and Motion to Set Aside Jury Verdict are DENIED.

---

The Honorable Michael G. Nettles  
Presiding Circuit Court Judge  
Fifteenth Judicial Circuit

December \_\_\_\_\_, 2020

Horry County, South Carolina

**EXHIBIT "C"**

COPY

THE STATE OF SOUTH CAROLINA  
In the Court of Appeal

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DEC 29 2020

SC Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of General Sessions

The Honorable Michael G. Nettles

INDICTMENT NOS: 2019GS2600254  
2019GS2600255  
2019GS2600256

State of South Carolina.....Respondent,

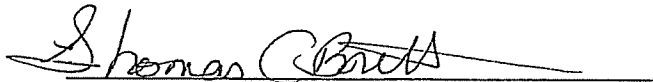
v.

Javaline Tyree Dawkins.....Appellant.

**NOTICE OF APPEAL**

Javaline Tyree Dawkins appeals his conviction and sentence in the above actions by and through trial counsel in anticipation that the South Carolina Commission on Indigent Defense will become counsel on appeal. The sentence was imposed by the Honorable Michael G. Nettles, on November 6, 2020, the same day the jury returned its verdict on these charges.

December 23, 2020



Thomas C. Brittain, Esq.

SC Bar # 893

Fed Bar # 04920

THE BRITTAIN LAW FIRM

4614 Oleander Drive

Myrtle Beach, SC 29577

Phone: (843) 449-8562

Fax: (843) 449-6148

*Trial Attorney for Javaline Tyree Dawkins*

Other Counsel of Record:

Nancy Livesay, Violent Crimes Prosecutor  
Solicitor for Horry County  
P.O. Box 1236  
Conway, SC 29528  
Phone: (843) 915-5460  
Fax: (843) 915-6460  
*Attorney for Respondent*

Chris Helms, Assistant Solicitor  
Solicitor for Horry County  
P.O. Box 1236  
Conway, SC 29528  
Phone: (843) 915-5460  
Fax: (843) 915-6460  
*Attorney for the Respondent*

**COPY**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeal

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DEC 29 2020

**SC Court of Appeals**

APPEAL FROM HORRY COUNTY  
Court of General Sessions

The Honorable Michael G. Nettles

INDICTMENT NOS: 2019GS2600254  
2019GS2600255  
2019GS2600256

State of South Carolina.....Respondent,

v.

Javaline Tyree Dawkins.....Appellant.

**PROOF OF SERVICE**

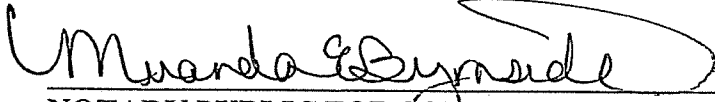
I, Joseph Brown, do hereby certify that I am an employee of THE BRITAIN LAW FIRM, P.A., attorneys for the Appellant Javaline Tyree Dawkins Benton in the above-entitled action, and that I have this 23<sup>rd</sup> day of December 2020 caused to be served upon the following parties the **Notice of Appeal** by hand delivery, addressed as follows:

Nancy Livesay, Violent Crimes Prosecutor  
Solicitor for Horry County  
P.O. Box 1236  
Conway, SC 29528  
*Attorney for Respondent*

Chris Helms, Assistant Solicitor  
Solicitor for Horry County  
P.O. Box 1236  
Conway, SC 29528  
*Attorney for the Respondent*

  
JOSEPH BROWN

SWORN AND SUBSCRIBED before me  
this 23 day of December 2020

  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires: May 9, 2023

THE STATE OF SOUTH CAROLINA  
In the Court of Appeal

---

APPEAL FROM HORRY COUNTY  
Court of General Sessions

The Honorable Michael G. Nettles

---

INDICTMENT NOS: 2019GS2600254  
2019GS2600255  
2019GS2600256

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State of South Carolina.....Respondent,

v. .

Javaline Tyree Dawkins.....Appellant.

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**NOTICE OF APPEAL**

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FILED  
2020 DEC 23 AM 11:59  
CLERK OF COURT  
HORRY COUNTY, SC

Javaline Tyree Dawkins appeals his conviction and sentence in the above actions by and through trial counsel in anticipation that the South Carolina Commission on Indigent Defense will become counsel on appeal. The sentence was imposed by the Honorable Michael G. Nettles, on November 6, 2020, the same day the jury returned its verdict on these charges.

December 23, 2020



Thomas C. Brittain, Esq.  
SC Bar # 893  
Fed Bar # 04920  
THE BRITTAIN LAW FIRM  
4614 Oleander Drive  
Myrtle Beach, SC 29577  
Phone: (843) 449-8562  
Fax: (843) 449-6148  
*Trial Attorney for Javaline Tyree Dawkins*

Other Counsel of Record:

Nancy Livesay, Violent Crimes Prosecutor  
Solicitor for Horry County  
P.O. Box 1236  
Conway, SC 29528  
Phone: (843) 915-5460  
Fax: (843) 915-6460  
*Attorney for Respondent*

Chris Helms, Assistant Solicitor  
Solicitor for Horry County  
P.O. Box 1236  
Conway, SC 29528  
Phone: (843) 915-5460  
Fax: (843) 915-6460  
*Attorney for the Respondent*

FILED  
2020 DEC 23 AM 11:59  
CHRIS HELMS  
CLERK OF COURT  
HORRY COUNTY, SC

THE STATE OF SOUTH CAROLINA  
In the Court of Appeal

---

APPEAL FROM HORRY COUNTY  
Court of General Sessions

The Honorable Michael G. Nettles

---

INDICTMENT NOS: 2019GS2600254  
2019GS2600255  
2019GS2600256

---

State of South Carolina.....Respondent,

v.

Javaline Tyree Dawkins.....Appellant.

---

**PROOF OF SERVICE**

---

I, Joseph Brown, do hereby certify that I am an employee of THE BRITAIN LAW FIRM, P.A., attorneys for the Appellant Javaline Tyree Dawkins Benton in the above-entitled action, and that I have this 23<sup>rd</sup> day of December 2020 caused to be served upon the following parties the **Notice of Appeal** by hand delivery, addressed as follows:


Nancy Livesay, Violent Crimes Prosecutor  
Solicitor for Horry County  
P.O. Box 1236  
Conway, SC 29528  
*Attorney for Respondent*

Chris Helms, Assistant Solicitor  
Solicitor for Horry County  
P.O. Box 1236  
Conway, SC 29528  
*Attorney for the Respondent*

FILED  
2020 DEC 23 AM 11:59  
RECEIVED  
CLERK OF COURT  
HORRY COUNTY, SC

  
JOSEPH BROWN

SWORN AND SUBSCRIBED before me  
this 23 day of December 2020

  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires: May 9, 2023

FILED  
2020 DEC 23 AM 11:59  
KERRY L. ELYS  
CLERK OF COURT  
HORRY COUNTY, SC

THE STATE OF SOUTH CAROLINA  
In the Court of Appeal

---

APPEAL FROM HORRY COUNTY  
Court of General Sessions

The Honorable Michael G. Nettles

---

**RECEIVED**

**Jan 12 2021**

**SC Court of Appeals**

INDICTMENT NOS: 2019GS2600254  
2019GS2600255  
2019GS2600256

---

State of South Carolina.....Respondent,

v.

Javaline Tyree Dawkins.....Appellant.

---

**PROOF OF SERVICE**

---

I, Allison Lazar, do hereby certify that I am an employee of THE BRITTAIN LAW FIRM, P.A., attorneys for the Appellant Javaline Tyree Dawkins Benton in the above-entitled action, and that I have this 12<sup>th</sup> day of January 2021 caused to be served upon the following parties the **Motion to Reinstate Appeal** by EMAIL AND BY FIRST CLASS MAIL, addressed as follows:

Nancy Livesay, Violent Crimes Prosecutor  
Solicitor for Horry County  
P.O. Box 1236  
Conway, SC 29528  
*Attorney for Respondent*

Chris Helms, Assistant Solicitor  
Solicitor for Horry County  
P.O. Box 1236  
Conway, SC 29528  
*Attorney for the Respondent*

Alli Casper

SWORN AND SUBSCRIBED before me  
this 12<sup>th</sup> day of January 2021

[Signature]

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 3/12/25

## Allison Lazar

---

**From:** Allison Lazar  
**Sent:** Tuesday, January 12, 2021 11:38 AM  
**To:** livesayn@horrycounty.org; helmsc@horrycounty.org  
**Subject:** State v. Dawkins 2020-001714  
**Attachments:** doc01870520210112123652.pdf

Attached please find the Motion to Reinstate Appeal, with exhibits, being submitted to the Appellate Court today in the State v. Dawkins case. Thank you.



Allison Lazar | Paralegal to Thomas C. Brittain, Esq.  
Brittain Law Firm, P.A.  
4614 Oleander Drive  
Myrtle Beach, SC 29577  
M 843.449.8562 D 843.945.9942  
[www.brittainlawfirm.com](http://www.brittainlawfirm.com)



**RECEIVED**  
**Jan 12 2021**  
**SC Court of Appeals**

*CIRCULAR 230 DISCLOSURE: To ensure compliance with requirements imposed by the IRS, we inform you that any US Federal Tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (I) avoiding penalties under the internal revenue code or (II) promoting, marketing or recommending to another party any transaction or matter addressed herein. This advice may not be forwarded (other than within the taxpayer to which it has been sent) without our express written consent.*

*PRIVILEGE AND CONFIDENTIALITY NOTICE: This communication (including any attachments) is being sent by or on behalf of a lawyer or law firm and may contain confidential or legally privileged information. The sender does not intend to waive any privilege, including the attorney-client privilege that may attach to this communication. If you are not the intended recipient, you are not authorized to intercept, read, print, retain, copy, forward or disseminate this communication. If you have received this communication in error, please notify the sender immediately by email and delete this communication and all copies.*

THE BRITTAIN LAW FIRM, P.A.  
ATTORNEYS AT LAW  
4614 OLEANDER DRIVE  
MYRTLE BEACH, SOUTH CAROLINA 29577

---

THOMAS C. BRITTAİN  
MARY MADISON BRITTAİN LANGWAY  
A. PRESTON BRITTAİN  
T. CASE BRITTAİN, JR.

843-449-8562  
843-497-6124  
www.brittainlawfirm.com

January 12, 2021

**RECEIVED**  
**Jan 12 2021**  
**SC Court of Appeals**

*Via Fed Ex Overnight*

The Honorable Jenny Abbott Kitchings  
Clerk of Court - South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: State of South Carolina v. Javaline Tyree Dawkins  
INDICTMENT NOS: 2019GS2600254, 2019GS2600255  
2019GS2600256

Dear Ms. Kitchings:

Enclosed herewith for filing please find the original and six (6) copies of the Motion to Reinstate Appeal, with exhibits, in the above-referenced matters, together with the Proof of Service and filing fee of \$50.00.

Please file the original and return the clocked copy to our office using the enclosed pre-paid envelope provided. By copy of this letter I am serving the South Carolina State Prosecutors of the Horry County Solicitor's Office as well as the lower court in this matter.

In an abundance of caution, these documents are also being submitted to you electronically. Thank you.

Sincerely,

**THE BRITTAİN LAW FIRM, P.A.**



Thomas C. Brittain

cc: Horry County Clerk of Court  
Nancy Livesay  
Chris Helms