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Mar 22 2021

SC Court of Appeals

NOTICE OF PETITION FOR WRIT OF MANDAMUS

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of General Sessions

Steven H. John, Circuit Court Judge

Case No. 2019-GS-26-4928 et al.

The State,

Respondent,

v.

Derrick J. Rivera,

Appellant.

FILED  
HORRY COUNTY  
2021 MAR 22 P 1:02  
KAREN J. ELYS  
CLERK OF COURT  
HORRY COUNTY, SC

NOTICE OF PETITION FOR WRIT OF MANDAMUS

Derrick J. Rivera seeks a writ of mandamus in this case, to compel the lower court to release Mr. Rivera under S.C. Court Ann. §17-23-90. The lower court denied Appellant's invocation of the statute's mandate for release on March 12, 2021, and written notice was received the same day. The right to release under §17-23-90 has been established in this state for centuries, and its language allows no discretion from the court after the right has been properly revoked. It is therefore a ministerial duty. The appellant's right to release is specific and pressing, and the Appellant has no other avenue for relief. *Willimon v. City of Greenville*, 243 S.C. 82, 132 S.E.2d 169 (1963)

March 19, 2021

  
s/

William S. McGuire

SCCID - Capital Trials Division  
1330 Lady Street, Suite 401  
Columbia, SC 29201  
(803) 734-1367  
Attorney for Appellant

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SC Court of Appeals

FORM 7  
PROOF OF SERVICE OF A NOTICE OF  
PETITION FOR MANDAMUS

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Steven H. John, Circuit Court Judge

Case No. 2019-CP-26-4928 et al.

State of South Carolina,

Respondent,

v.

Derrick J. Rivera

Appellant.

FILED  
HORRY COUNTY  
2021 MAR 22 P 1:02  
TERESA J. ELVIS  
CLERK OF COURT

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Scott Hixon, Solicitor for the Fifteenth Judicial Circuit by hand delivery to the Solicitor's Office March 22, 2021.

March 22, 2021

  
s/

William S. McGuire  
1330 Lady Street, Suite 401  
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Attorney for Appellant