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SC Court of Appeals



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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October 20, 2021

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: The State v. Christopher Lee Davis - Appellate Case No. 2021-000850

Dear Ms. Kitchings:

According to the paperwork we received from this Court, along with the information presented on the public index, Mr. Davis pled guilty on July 22, 2021, but the notice of intent to appeal filed by his Public Defender was not served until August 4, 2021 which was outside of the ten days allowed to serve a notice of intent to appeal. On August 11, 2021, we received an order signed by the Honorable Stephanie McDonald ruling the notice of intent to appeal was not timely served, and therefore the appeal was dismissed since timely service was jurisdictional.

After subsequent pro-se motions were filed by Mr. Davis, on October 18, 2021, our office received an order signed by Honorable Chief Judge James Lockemy relieving Public Defender James A. Cheek, Esquire as counsel but ruling I would remain as counsel for Christopher Davis. The order also provided that any motion for rehearing or a motion to reinstate had to be filed within fifteen days of that order. In reviewing the documents in this case I am not aware of any proof that the service of the notice of intent to appeal was timely which could be used to contest Judge McDonald's jurisdictional order of August 11, 2021. Therefore, as an officer of the Court I cannot file a motion for rehearing or a motion to reinstate on behalf of Mr. Davis. It would also appear the proper remedy for any challenge by Mr. Davis to his guilty plea is post-conviction relief (PCR).

If you need additional information, or have any questions or concerns, please contact me.

Sincerely,

Robert M. Dudek  
Chief Appellate Defender

RMD/ab

cc: Christopher Lee Davis, #386045