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Dec 08 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of General Sessions

D. Craig Brown., Circuit Court Judge

Case No.: 2020-GS-1667, 1668

The State of South Carolina,

Respondent,

v.

Ahmad Deshod McKnight,

Defendant.

NOTICE OF APPEAL

Appellant, Frederick DeBerry, was brought before the Court of General Sessions on a Petition for Rule to Show Cause in the above captioned case.

At the beginning of the hearing on the Petition for Rule to Show Cause, Appellant asserted his right to a trial by jury under the State and Federal constitution. Appellant also requested that the matter not go forward until presented to the grand jury. Judge Brown denied these request and indicated that he would proceed forward with a bench trial based on the Petition for Rule to Show Cause.

Cognizant of the Supreme Court's holding in *Foggie*,¹ Appellant sought a adjournment so

¹ *Foggie v. Csx Transp.*, 313 S.C. 98, 103, 431 S.E.2d 587 (1993) (“Issues regarding mode of trial must be raised in the trial court at the first opportunity, and the order of the trial judge is immediately appealable. **The failure to timely appeal the interlocutory order of the trial court effects a waiver of appeal rights.**”

that he could file this interlocutory appeal. Judge Brown agreed to consent so that Appellant could file this appeal.

The oral ruling which is being appeal occurred on December 8, 2021.

s/ Tristan Shaffer

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Attorney for Appellant Frederick DeBerry

Other Counsel of Record:

Heather Weiss

(emphasis added) (internal citations omitted)).

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CERTIFICATE OF SERVICE

I certify that on the date below I served the Notice of Appeal on The State of South Carolina by e-mailing a copy to opposing counsel at the address below.

Additionally, I certify that I am sending a copy of this Notice of Appeal to the Florence County Clerk of Court for filing.

s/ Tristan Shaffer

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December 8, 2021

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