

FORM 4
NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT
OF GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of General Sessions

Carmen T. Mullen, Circuit Court Judge

Case No. 2012-GS-07-00720-23;00763-64

The State,

Respondent,

v.

Michael E. Hawkins,

Appellant.

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JUN 06 2013

SC Court of Appeals

NOTICE OF APPEAL

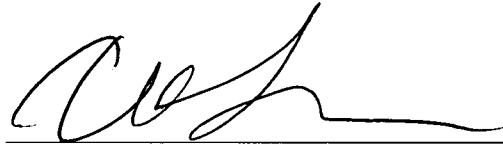
Michael E. Hawkins appeals his guilty plea and an Order denying his Motion to vacate or in the alternative withdraw his guilty plea in this case (hereinafter "Motion"). Mr. Hawkins' guilty plea was entered before the Honorable Carmen T. Mullen on April 18, 2013. Mr. Hawkins pled guilty to charges of first degree burglary, two counts of kidnapping, assault and battery of a high and aggravated nature, conspiracy, armed robbery, and possession of a weapon during the commission of a violent crime. The subsequent sentence he received was 15 years, with respective time for each charge to run concurrently. The Appellant's Motion was filed on April 24, 2013. This appeal is taken from the order of the Honorable Carmen T. Mullen, dated May 13, 2013, which denied appellant's Motion to vacate or in the alternative withdraw his guilty plea (hereinafter "Order"). Appellant received written notice of entry of this Order on May 31, 2013.

Pursuant to Rule 203 SCACR, Appellant hereby shows that there are issues which can be reviewed on appeal: Appellant contends that new evidence was raised after his guilty plea and moved to withdraw or vacate his plea on that basis through the timely filing of his Motion pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure. The Order denying said Motion reviews the Appellant's guilty plea in terms of whether the plea was entered knowingly, intelligently, willingly and voluntarily, without addressing the issue of newly discovered evidence.

Appellant contends that the Order constitutes an error of law and/or an abuse of discretion in

that the newly discovered evidence came to light after Appellant's guilty plea. Appellant further contends that the record lacks evidentiary support to support the Order in that Appellant could not have known of the newly discovered evidence, there is no evidentiary support for the findings in the Order denying the Motion, and it is an error of law not to consider and/or evaluate the merits of newly discovered evidence in the context of a motion prefaced on Rule 29, SCRCrimP.

June 4, 2013



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**FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL**

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In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
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I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on June 4, 2013, addressed to the State's attorney of record, Meredith Bannon, Esq., Career Criminal Prosecutor, Fourteenth Judicial Circuit Solicitor's Office, P.O. Box 1880, Bluffton, SC 29910.

June 4, 2013



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MO57350-351

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS
) FOURTEENTH JUDICIAL CIRCUIT
)

STATE OF SOUTH CAROLINA,

) CIVIL ACTION NO: 2012-GS-07-00720-23;
) 2012-GS-07-00763-764
)

vs.

ORDER

MICHAEL EUGENE HAWKINS,

Defendant.

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CLERK OF COURT

This matter is before the Court on Defendant's Motion to vacate or in the alternative to withdraw the guilty plea. On April 18, 2013, Defendant Michael Eugene Hawkins plead guilty to the charges of first degree burglary, two counts of kidnapping, assault and battery of a high and aggravated nature, conspiracy, armed robbery, and possession of a weapon during a the commission of a violent crime. The Defendant received 15 years, with respective time for each charge to run concurrently. After consideration of the briefs provided by counsel the motion to vacate or in the alternative to withdraw the guilty plea is denied without a hearing. This court finds that the Defendant knowingly intelligently, willing and voluntarily entered his guilty plea and his plea was properly accepted.

Accordingly, the motion to reconsider is DENIED.

IT IS SO ORDERED.



Carmen T. Mullen
Presiding Judge
Fourteenth Judicial Circuit

May 13, 2013
Beaufort, SC