

RICHLAND COUNTY PUBLIC DEFENDER

1701 MAIN STREET
POST OFFICE BOX 192
COLUMBIA, SC 29201

RICHLAND COUNTY JUDICIAL CENTER

PHONE (803) 765-2592
FAX (803) 929-6156

September 18, 2023

Mr. Gabriel J. Legette
2208 Bedford Way
Columbia, SC 29209

RECEIVED

Sep 18 2023

SC Court of Appeals

Dear Gabriel,

Please see the attached letter from the Court of Appeals regarding the Notice of Appeal that I filed on your behalf. I gave you a hard copy of the Notice when you were at my office last week, but as you can see the Court has requested that I send you a letter as well. As you know, attached to the Notice of Appeal was my explanation that because you wanted to appeal your guilty plea, I felt I had to file the Notice. I have included another copy of that explanation with this letter.

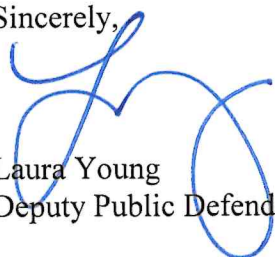
Also, I want you to be aware that you have twenty (20) days from the date of this letter to inform the Court in writing of any arguable basis that there are issues preserved for your appeal. Please send that correspondence to:

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

It is also helpful if you use the Appellate Case No. 2023-001418 on any correspondence you send to them.

Please call me if you have any questions or concerns.

Sincerely,



Laura Young
Deputy Public Defender

cc: Catherine Harrison, Deputy Clerk, SC Court of Appeals



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 12, 2023

Ms. Laura Wood Young, Esquire
1701 Main St.
First Floor
Columbia SC 29201

Re: The State v. Gabriel J. Legette
Appellate Case No. 2023-001418

Dear Counsel:

This Court has received your explanation for appealing.

Please forward your explanation to your client, along with a statement that your client has twenty (20) days from the date of your transmittal letter to inform this Court in writing of any arguable basis that there are issues preserved for appeal. Please provide your client with the Court's address:

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Please send your letter to your client within ten (10) days, with a copy to this Court, or this appeal will be dismissed.

Very truly yours,

Catherine Hannibal, deputy
CLERK

cc: Robert Michael Dudek, Esquire
Charles Grayson Hill, Esquire
Alan McCrory Wilson, Esquire
Mark Reynolds Farthing, Esquire

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Sep 06 2023

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

SC Court of Appeals

Honorable Daniel Coble, Circuit Court Judge

Indictment: 202²~~0~~-GS-40-00440
2021A4011200075

The State,.....Respondent,

v.

Gabriel Jerrod Legette,.....Appellant.

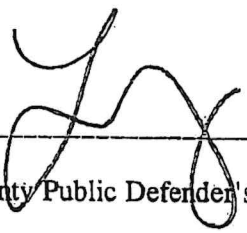
RICHLAND COUNTY
FILED
2023 SEP - 6 PM 3:45
JEANETTE W. HOBRIE
C.C.P., G.S., & F.C.

NOTICE OF APPEAL

Gabriel Jerrod Legette appeals his conviction and sentence in this case. The Honorable Daniel Coble imposed the sentence, on August 28, 2023.

202²~~0~~-GS-40-00440 Attempted Murder — 916 days, credit for time served

Date: 9/10/2023



Laura Young
Richland County Public Defender's Office
P.O. Box 192
Columbia, South Carolina 29202
(803) 765-2592
Attorney for Appellant

Other Counsel of Record:
Assistant Solicitor Grayson Hill
Office of the Solicitor, Fifth Judicial Circuit
Richland County Judicial Center
1701 Main Street
Columbia, South Carolina 29201
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Sep 06 2023

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

SC Court of Appeals

Honorable Daniel Coble, Circuit Court Judge

Indictment Nos. 202~~0~~²-GS-40-00440

The State,.....Respondent,

v.

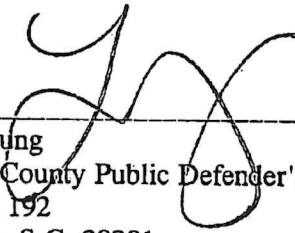
Gabriel Jerrod Legette,.....Appellant.

PROOF OF SERVICE

RICHLAND COUNTY
FILED
2023 SEP -6 PM 3:45
JEANETTE W. MCBRIDE
C.C.P., G.S., & F.C.

I hereby certify that a true copy of the Notice of Intent to Appeal & the Statement of Basis for Appeal from Guilty Plea Pursuant to Rule 203(d)(1)(B) in the above-referenced case has been served upon opposing counsel by delivering same this date to her office at the Office of the Solicitor, Fifth Judicial Circuit, Richland County Judicial Center, 1701 Main Street, Columbia, South Carolina 29201.

Date: 9/6/2023



Laura Young
Richland County Public Defender's Office
P.O. Box 192
Columbia, S.C. 29201
(803) 765-2592
Attorney for Appellant

Other Counsel of Record:
Assistant Solicitor Grayson Hill
Office of the Solicitor, Fifth Judicial Circuit
Richland County Judicial Center
1701 Main Street
Columbia, South Carolina 29201
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Sep 06 2023

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

SC Court of Appeals

Honorable Daniel Coble, Circuit Court Judge

Indictment Nos. 202~~0~~²-GS-40-00440

The State,.....Respondent,

v.

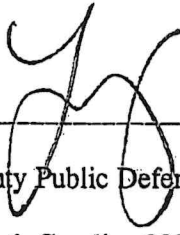
Gabriel Jerrod Legette,.....Appellant.

RICHLAND COUNTY
FILED
2023 SEP -6 PM 3:45
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

**STATEMENT OF BASIS FOR APPEAL FROM
GUILTY PLEA PURSUANT TO RULE 203(d)(1)(B)**

Pursuant to South Carolina Appellate Court Rule 203(d)(1)(B), the Defendant was dissatisfied with his sentence and insisted on appealing. I am of the opinion that if the client insists on appealing, I am constrained to file an appeal. Weathers v. State, 319 S.C. 59, 459 SE 2d 838 (1995).

Date: 9/6/2023



Laura Young
Richland County Public Defender's Office
P.O. Box 192
Columbia, South Carolina 29202
(803) 765-2592
Attorney for Appellant

Other Counsel of Record:
Assistant Solicitor Grayson Hill
Office of the Solicitor, Fifth Judicial Circuit
Richland County Judicial Center
1701 Main Street
Columbia, South Carolina 29201
Attorney for Respondent

WITNESSES

(S) Adam G Oxendine
- Richland County Sheriff Dept

DOCKET NO. 2022GS40002PH

The State of South Carolina

County of
Richland

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

COURT OF GENERAL SESSIONS

January TERM 2022

18

ARREST WARRANT NUMBER

2021A4011200075

ACTION OF GRAND JURY

THE STATE
vs.

Gabriel J Legette

Defendant

Witness:

C.C.C. PLS. AND G.S.

Foreperson of Grand Jury

Date: JAN 25 2022

VERDICT

TRUE BILL

Foreperson of Petit Jury
Date:

RECEIVED
Sep 06 2023
SC Court of Appeals

Indictment for
ATTEMPTED MURDER OF
JEANETTE W. McBRIDDER
C.C.P., G.S., & F.C.

2023 SEP -6 PM 3:45
SC Code: 16-03-0029
CDR Code: 3410

RICHLAND COUNTY
FILED

RECEIVED

Sep 06 2023

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland

SC Court of Appeals

STATE

VS.

INDICTMENT/CASE#: 2022 - GS - 40 - 00440

Gabriel J Legette

A/W#: 2021A4011200075

AKA:

Date of Offense: 1/16/2021

Race: BLACK Sex: M Age: 35

S.C. Code § 16-03-0029

DOB: 10-20-1987 SS#: _____

CDR Code #: 3410

Address: 2208 Bedford Way

City, State, Zip: Columbia, SC 29209

DL#: _____ SID#: _____

SENTENCE SHEET
RICHLAND COUNTY
FILED
2023 SEP - 6 PM 3:45
JANETTE W. McBRIDE
C.C.P., G.S. & F.C.

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was

CONVICTED OF PLEADS

TO: Attempted Murder

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code #

3410

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Bill 123642 x Gabriel J Legette 79079
Hll, Grayson SC Bar # Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction, County Detention Center,

for a determinate term of 916 days/months/years Time Served Youthful Offender Act not to exceed ___ years and/or to pay a fine of \$ ___; provided that upon the service of ___ days/months/years/Time Served and or payment of \$ ___; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 916 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Gabriel J Legette INDICTMENT/CASE#: 2022 - GS - 40 - 00440

SPECIAL CONDITIONS:

- PTUP** after _____ months/years
- And Other Terms Listed Below:**
- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

- RESTITUTION:** Deferred Def. Waives Hearing Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5 %)				\$ _____
§14-1-211(A)(1) (Conv. Surcharge)		\$100		\$ <u>100.00</u>
§14-1-211(A)(2) (DUI Surcharge)		\$100		\$ _____
§56-5-2995 (DUI Assessment)		\$12		\$ _____
§56-1-286 (DUI Breath Test)		\$25		\$ _____
§14-1-212 (Law Enforce. Funding)		\$25		\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)		\$150		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41		\$ _____
§50-21-114(BUI Breath Test Fee)		\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea		\$ _____
3% to County (if paid in instalments)		TBD		\$ <u>3.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.		\$500		\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD		\$ _____
TOTAL				\$ <u>128.75</u>

Clerk of Court/ Deputy Clerk: Jeanette M. Pride
 Court Reporter: Debra Fitzgerald

Presiding Judge: _____
 Judge Code: 2774
 Sentence Date: 8/28/2023