

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

R. Scott Sprouse, Circuit Court Judge

Case Number 2023-GS-23-4000

The State,Respondent,

v.

David Mitchell Padgett,Appellant.

NOTICE OF APPEAL

David Mitchell Padgett appeals his conviction and sentence in this case. The sentence was imposed by the Honorable R. Scott Sprouse on February 21, 2024.

Issues to be Raised on Appeal

- 1) Assistant Solicitor providing defendant an initial written offer while redacting most discovery material that was provided, and withholding copies of video evidence.

*Judge ordered production of copies the afternoon before trial

2) Assistant Solicitor making material misstatements of law and fact to secure no bail was granted. That defendant was not gainfully employed and therefore a career drug dealer, when the investigating officer's own incident reports documents his working on remodeling an investment home. Service of Notice of LWOP just prior to hearing on defendant's second request for bail, when such notice was facially and patently unsupported and invalid.

* Bail denied. Twice.

3) Assistant Solicitor refusing for months, and while a written plea offer was expiring, to unredact incident report documents and supplementals initially provided to defense counsel.

*Provided unredacted reports just days before a hearing on defendant's motion to compel, and only days before solicitor's written plea offer expired, and refusing to extend such offer while further discovery was sought.

4) Assistant Solicitor refusing until the afternoon before trial, to provide copies of material surveillance video evidence to defendant; and only then after a Judge's Order required its release, and while refusing to extend or honor a written plea offer made before full discovery, material to defendant's defense, impeachment of State's witnesses, and mitigation, was provided to defendant.

*Judge ordered State to provide defense counsel copies the afternoon before trial. No continuance was allowed.

5) Assistant Solicitors intentional and continuing violation of due process caused prejudice to Defendant, by rescinding an 18 year offer, and refusing to extend negotiation deadlines, while withholding discovery. State's actions forced defendant to accept a 25 year mandatory minimum sentence on a plea to an original indictment as trial was to begin. Assistant Solicitor vindictively prosecuted defendant for his refusal to plead prior to expiration of the State's initial 18 year written plea offer, while evidence was being withheld, and for failing to plead prior to the case being placed on a trial docket, while material evidence continued to be withheld by the State.

Legal Authority

- Rule 5, SC Rules of Criminal Procedure
- Chief Justice Toal's 2004 Ethics Order -proscribing Solicitors from forcing negotiations prior to providing discovery.
- South Carolina and US Constitution's Due Process Clause
- South Carolina Commission of Prosecution Coordination
 - o South Carolina Prosecutor's Deskbook 2015 Edition
- Brady v. Maryland, 373 U.S. 83 (1963)

- In the Matter of Larry Grant, 343S.C. 528, 541 S.E.2d 540 (2001)
- U.S. v. Bagley, 473 U.S. 667 (1985)
- Clark v. State, 315 S.C. 385, 434 S.E.2d 266 (1993)
- State v. Williams, 326 S.C. 130, 485 S.E.2d 99 (1997)
- U.S. v. Wilson, 262 F.3rd305, 314 (4th Cir. 2001).
- U.S. v. Meadows, 867 F.3rd 1305, 1311 (D.C. Cir. 2017)
- Bordenkircher v. Hayes, 434 US 357, 363 (1978)

March 11, 2024
Greenville, South Carolina

s/ Daniel Joseph Farnsworth, Jr.
Pettus Farnsworth, LLC
211 Pettigru Street
Greenville, South Carolina 29601
864.250.9119
Attorney for Appellant

Other Counsel of Record:

Grace Barringer Maroney
Assistant Solicitor
305 East North Street, #325
Greenville, South Carolina 29601