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APR 26 2024

Issue: Newly discovered evidence

SC Court of Appeals

Issue: Did plea judge err in accepting appellant guilty plea

Issue: Did court err in fact in proceeding

Issue: Did plea judge err in denying appellant motion to withdraw plea

Issue: Did plea judge abuse of discretion

Issue: Did plea judge err on the ruling of the plea with dismissal with prejudice

argument: appellant entered guilty plea after learning newly discovered evidence that appear in rule 11 proceeding on negotiated plea transcript of record on page 6 lines 14-16 which counsel failure to make or raise a motion appellant move to withdraw guilty plea to stand trial which the motion challenge the voluntary and intelligent character of the plea which is the basis of a guilty plea judge denied motion court was prejudice against the motion to withdraw plea ruling pro forma on sentencing transcript of record on page 21 lines 7-25 and page 22 lines 1-10

argument: State v Pepper 346 S.C. 502

Court held that guilty plea are unconditional and if accused attempts to attack any condition the trial court must direct a plea of not guilty

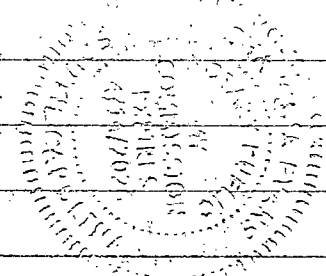
It is thus impermissible for a defendant to preserve constitutional issues while entertaining a guilty plea the trial court may not accept the guilty plea on such terms

argument: *Rolen v State* 384 S.C. 409

It was clear he wanted to withdraw that plea and case would be remanded to point where in proceeding which counsel should have sought to withdraw the plea due to counsel failure to make a motion to withdraw judge had not been able to exercise his discretion and if judge denied the ~~motion~~ motion defendant could raise issue on direct appeal.

argument: motion to withdraw is caused for a fair and just reason and is under the discretion of whom the guilty plea was entered by which the judge only discretion is to either accept it or reject it which the court may consider the factor of *U.S. v Moore* 931 F.2d 245 to consider a fair and just reason which the motion is also apart of my "due process"

Sum
4/14/24



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