

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM SPARTANBURG COUNTY
COURT OF GENERAL SESSIONS
Hon. Grace Gilchrist Knie, Circuit Court Judge

Appellate Case No. 2024-001945

State,..... Respondent,
v.
Sheila Marie Scruggs, Appellant.

RULE 203(d)(1)(B) Explanation

Sheila Marie Scruggs has appealed her conviction by guilty plea before the Hon. Grace Gilchrist Knie on October 30, 2019, and Order that denied Rule 29 relief by the Hon. Grace Gilchrist Knie, signed and entered on November 12, 2024.

The Appellant has been advised that the undersigned’s representation does not extend to an appeal of the case and that she has the right to retain counsel, to proceed *pro se*, or to apply to SCCID for representation. Appellant has not yet responded to the undersigned’s request that Appellant complete and provide an affidavit to SCCID to allow SCCID to consider her case for representation and SCCID has therefore been unable to evaluate the Appellant’s eligibility for representation or engage in this case. Therefore, to protect the Appellant’s right to an appeal the undersigned submits the following as required under Rule 203 for an appeal involving a guilty plea.

The Appellant entered a guilty plea in the present case. At the plea hearing Appellant was represented by counsel from the Spartanburg County Public Defender's Office (Cheek). At the time of the guilty plea Appellant was also represented on the charge by retained counsel (Johnson) who did not appear at the guilty plea. The Appellant's guilty plea was accepted by the Court and the Appellant sentenced to time served. The transcript from the plea is attached hereto for the purpose of this filing.

Subsequent to the guilty plea the Appellant, by and through the undersigned, filed a timely Rule 29 Motion based on a claim that the Appellant's plea was not freely and voluntarily entered. A copy of said motion is attached hereto for the purpose of this filing. A hearing was held on the Rule 29 Motion at which the Appellant, counsel from the Public Defender's Office, and the retained attorney each testified. A copy of the trial court's Order from the Rule 29 hearing is attached hereto for the purpose of this filing.

At the Rule 29 Motion hearing the Appellant testified that she was innocent of the charge and had retained counsel to represent her in a jury trial. That while waiting on a jury trial retained counsel failed to inform her of a required court appearance, and as a result, a bench warrant was issued for her arrest. That she was subsequently arrested and jailed without bond on the bench warrant. That retained counsel refused to take immediate steps to obtain her release on the bench warrant. That the attorney from the Public Defender's Office spoke with her in jail and told her that it was unlikely that she would be released from the bench warrant and that it would be a very long time before her case would go to trial, but that he could obtain her immediate release

through a guilty plea. Appellant testified to a number of compelling reasons why she could not sit in jail indefinitely waiting on a jury trial, and as a result, felt that she had no choice but to enter a guilty plea despite her innocence.

At the Rule 29 hearing counsel from the Public Defender's Office testified that he contacted the retained counsel and obtained consent to set up a guilty plea for the Appellant. He also testified that he was not aware that the Appellant was maintaining her innocence or that her plea was forced or involuntary. Counsel further testified that the Appellant never told him that she was innocent, and if she had, that he would not have proceeded with the guilty plea.

On appeal the Appellant would argue that her guilty plea was not freely and voluntarily entered based on the record from the guilty plea and the testimony from the Rule 29 Motion hearing (the essence of which is summarized herein for the purpose of this filing). A guilty plea may not be accepted unless it is voluntary and entered into with an understanding of the nature and consequences of the charge and plea. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969); Carter v. State, 329 S.C. 355, 495 S.E.2d 773 (1998); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991).

Respectfully submitted,

s/J. Falkner Wilkes
J. Falkner Wilkes (SC Bar #12893)
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Counsel for Appellant

January 25, 2025.

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Jan 27 2025

SC Court of Appeals

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CERTIFICATE

I certify that I have served the Appellant’s Rule 203 Explanation in the above captioned case on the Respondent by delivering a copy of same on this the 25th day of January, 2025, addressed to counsel of record via electronic delivery to counsel’s AIS email address as follows:

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Capital And Collateral Litigation Div.
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Via AIS email only to: agwilson@scag.gov

Mr. Barry Joe Barnette
Seventh Circuit Solicitor's Office
Spartanburg Cnty. Courthouse
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January 25, 2025.