

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM KERSHAW COUNTY
HONORABLE MILTON G. KIMPSON, PRESIDING JUDGE

2023A2810100118 & 2023A2810100119

State of South Carolina.....Respondent

v.

Keosha Gladden.....Appellant.

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MAR 10 2025

SC Court of Appeals

NOTICE OF INTENT TO APPEAL

Keosha Gladden (Appellant) appeals her conviction and sentence in this case imposed by the Honorable Milton G. Kimpson on 2/26/25 by Alford Plea in General Sessions Court. Appellant received written notice of the order on 3/5/25. The issues for appeal are as follows:

1. Existing Medical Condition: In the Alford plea on 2/26/25, the court failed to ask and question Appellant's about her mental state. The plea was entered as a reckless homicide based upon the fact that at the time of the accident, and as entered onto the record, she was suffering from a medical condition causing the Appellant to fall asleep at almost any time. Further, in the evidence provided pursuant to discovery Motions, a witness of her driving on the day of the incident stated in his witness statement that it appeared that the Defendant was falling asleep.
2. Mens Rae: Defendant readily accepted the fact that she was driving the car at the time of the accident and further that the deceased victim was riding a motor cycle and suffered blunt force head trauma. Neither the victim nor her husband were wearing a helmet at the time. The death is undeniably tragic, and a review of the hearing transcript will show that the court failed to enquire of the Defendant's mental status and if she had the *mens rae* criminal intent required for a reckless homicide conviction. It is the position of Defendant that she did not have the *mens rae* intention or knowledge of wrong doing that constitutes committing a reckless homicide and to which she entered a guilty plea. On the day in question Defendant

homicide and to which she entered a guilty plea. On the day in question Defendant was focused only on her desire to place this issue behind her.

3. Further it may be argued that Defendant's counsel failed to meet his burden in raising before the court the issue of her *mens rae* required in this case.
4. The sentence passed down by the court stated that Defendant would be sentenced to 8 years, of which she must serve 3yrs. The sentence is inexact and we ask that the sentence be set aside and the matter be remanded back to the lower court for re-sentencing or trial.

Respectfully submitted,


JOHN A. O'LEARY (SPECIAL APPEARANCE)
714 Calhoun Street
Columbia, SC 29201
(803) 779-5556
ATTORNEY FOR APPELLANT

Columbia, South Carolina
March 6, 2025

OTHER COUNSEL OF RECORD:

Donna M. Green
Kershaw Solicitor's Office
1121 Broad Street, Room 313
Camden, SC 29202
Phone: 803-425-7672 X5483

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State of South Carolina.....Respondent

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CERTIFICATE OF SERVICE

I, the undersigned employee of O'Leary Associates, P.A., attorneys for Keosha Gladden, certify that on March 6, 2025 I have served the foregoing document(s) on the individual(s) listed below by placing a copy of the same in the United States Mail, postage prepaid, and return address clearly affixed to the following address:

PERSON SERVED:

Donna M. Green
Kershaw Solicitor's Office
1121 Broad Street, Room 313
Camden, SC 29202

Robert G. Woods IV, Director
SCDPS
10311 Wilson Blvd.
Post Office Box 1993
Blythewood SC 29016

Alan Wilson, Attorney General
Office of the S.C. Attorney General Post
Office Box 11549
Columbia, South Carolina 29211

Marcus K. Gore
SCDPS General Counsel
10311 Wilson Blvd.
Post Office Box 1993
Blythewood SC 29016

DOCUMENTS:

NOTICE OF INTENT TO APPEAL

Columbia, South Carolina
March 6, 2025



O'LEARY ASSOCIATES, P.A.

JOHN A. O'LEARY, ATTORNEY

March 6, 2025

SC Court of Appeals
Hon. Jenny Abbott Kitchings, Clerk
1220 Senate Street
Columbia, South Carolina 29201

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MAR 10 2025

SC Court of Appeals

RE: State of South Carolina v. Keosha Gladden / Case No: 2023A2810100118 &
2023A2810100119

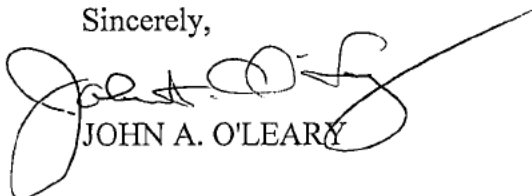
Dear Ms. Kitchings:

I am making a "Special Appearance" for purposes of filing the enclosed Notice of Intent to Appeal. The original and two (2) copies each of the Notice of Intent to Appeal, Certificate of Service, and a copy of the Order which is to be challenged on appeal are enclosed. Please return clocked copies in the self addressed, stamped envelope provided for your convenience. Under Rule 203(d), SCACR, the filing fee is not required as this appeal is from a criminal conviction.

By copy of this letter I am serving the same on Donna M. Green, Kershaw Assistant Solicitor, Alan Wilson, Attorney General and the South Carolina Department of Public Safety and their General Counsel, Marcus Gore Esq. Also filing the same with the lower court, Kershaw General Sessions, the Hon. Ginger Farmer, Clerk of Court.

Thank you for your time and consideration in this matter. If you have any questions or if we may be of assistance, please do not hesitate to call. With kind regards.

Sincerely,



JOHN A. O'LEARY

JAO/jb
Enclosures
cc:

Donna M. Green
Kershaw Solicitor's Office
1121 Broad Street, Room 313
Camden, SC 29202

Robert G. Woods IV, Director
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O'LEARY ASSOCIATES, P.A.

COODY

JOHN A. O'LEARY, ATTORNEY

March 6, 2025

Kershaw Clerk of Court
Hon. Ginger Farmer,
Clerk of Court
1211 Broad St.
P.O. Box 1557
Camden, SC 29020

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SC Court of Appeals

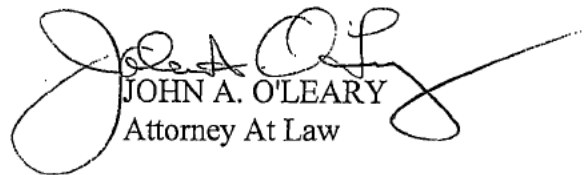
RE: State of South Carolina vs. Keosha Gladden
Case No(s): 2023A2810100118 & 2023A2810100119
Charge(s): Reckless Homicide & Unlawful Conduct twds Child

Dear Ms. Farmer:

Per SC Appellate Rule 203(d)(1)(B) enclosed for filing with your court please find a Notice of Intent to Appeal also filed with the SC Court of Appeals with Certificate of Service and a copy of the Order to be challenged on appeal. Same was also served upon Donna M. Green, Kershaw Assistant Solicitor, Alan Wilson, Attorney General and the South Carolina Department of Public Safety and their General Counsel, Marcus Gore Esq.. Please return the clocked copy in the envelope provided.

Thank you for your time and consideration in this matter. If you have any questions or if we may be of assistance, please do not hesitate to call.

Sincerely,


JOHN A. O'LEARY
Attorney At Law

JAO/jb
Encl.

cc: Donna M. Green
Kershaw Solicitor's Office
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