

Melisa W. Gay, LLC  
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Melisa W. Gay

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October 22, 2013

**Via United States Mail**

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

RE: State of South Carolina v. Erica Butts  
Case No. 2013-000-218

Dear Madam Clerk:

Enclosed please find a copy of the letter and a copy of the Memorandum of Issues that I have sent to Ms. Butts.

Should you have any questions or concerns, please do not hesitate to contact our office at your earliest convenience. Thank you for your attention to this matter.

Sincerely,



Melisa W. Gay

Enclosure

cc: Robert Michael Dudek  
Salley W. Elliott

**RECEIVED**  
OCT 23 2013  
**SC Court of Appeals**

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October 22, 2013

**Via U.S. Mail**

Erica Mae Butts – Inmate #348484  
Dorm #ZNG0017A  
CGGCI  
4450 Broad River Road  
Columbia, SC 29210

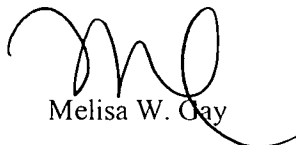
RE: Memorandum of Issues /  
Letter from SC Court of Appeals

Dear Ms. Butts:

Enclosed you will find a copy of the Memorandum of Issues in your Appeal case. In addition you will find a copy of the letter that I received from SC Court of Appeals. Please send your response to the Court of Appeals in the enclosed stamped envelope as soon as possible so that your response will be received within 20 days from the date of this letter, pursuant to the Court's instruction.

Please feel free to contact our office if you have any questions.

Sincerely,



Melisa W. Gay

Enclosure

cc: Robert Michael Dudek, Office of Appellate Defense  
Salley W. Elliott, Attorney General's Office  
✓ Clerk, SC Court of Appeals

**RECEIVED**

OCT 23 2013

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE SOUTH CAROLINA COURT OF APPEALS  
APPEAL FROM CHARLESTON COUNTY  
HONORABLE DEADRA L. JEFFERSON  
CASE NO.: 2013-000218

STATE OF SOUTH CAROLINA, RESPONDENT

VS.

ERICA BUTTS

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**MEMORANDUM OF ISSUES**

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The Defendant entered in to a plea under North Carolina v. Alford on November 3, 2011. She was sentenced to a period of life. She entered into her plea with an explicit understanding that she had bargained with the Solicitor Elizabeth Gordon for a benefit at sentencing. During plea negotiations Defendant's mother had extensive meetings and conversations with the solicitor about the benefits to Defendant from her decision to plea under Alford. Defendant's mother was a fact witness against the Defendant in the State's case against her. Defendant's mother had been told by the solicitor that the solicitor would be lenient with Defendant. The solicitor had specifically asked Defendant's mother to convince her to plea under Alford, because it would be better for defendant.

Defendant's attorney had several conversations with the solicitor regarding the benefit that the Defendant would receive. These conversations were shared with the Defendant. The solicitor repeatedly said that she would not ask for life and that she would

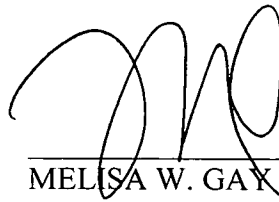
ask the sentencing judge to be lenient on the Defendant. The solicitor's theory was that the co-defendant was the person who inflicted the injuries that resulted in the victim's death. The solicitor put pressure on the defendant through her mother to get the Defendant to plead guilty under Alford. At the time of sentencing, the Defendant's mother was stunned by the solicitor's request for the court to impose a life sentence on the Defendant. At no time in all the meetings with the solicitor and conversations that both the Defendant's mother and her attorney had did the solicitor ever indicate that the only benefit of the bargain for the Defendant would be for the State to dismiss one charge. The Defendant detrimentally relied on the promises of the solicitor that she would ask the court to be lenient with the Defendant's sentence. Even on November 3, 2011, when the Defendant entered her plea, the solicitor was telling Defendant's mother that she would help the Defendant and that it was a really good thing that the Defendant chose to plead guilty.

After sentencing, Defendant filed a Motion for Reconsideration of Sentence on November 10, 2011. The State of South Carolina filed a Memorandum in Opposition to Sentencing Reconsideration. Judge Jefferson issued the order Denying Defendant's motion For reconsideration of Sentence on January 14, 2013. All three of these documents have been included with this Memorandum.

The Defendant is appealing the sentence imposed for a period of life based on the fact that her plea under Alford was not freely and voluntarily entered into based on the fact that the solicitor misled her through statements that the solicitor made to both her mother and her attorney. At no time did the solicitor ever tell Defendant's attorney that the only benefit of the bargain for her guilty plea would be a dismissal of one charges. At

all time, the solicitor implied and stated that she would help the Defendant at sentencing which is in opposition to requesting a life sentence at the sentencing hearing.

Appellant has submitted an application for representation by the Office Appellate Defense. Additionally issues may be raised on behalf of Appellant after her case is opened and reviewed by her appointed attorney.



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Other Counsel of record are:  
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Charleston, SC 29401