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Apr 09 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE MUNICIPAL COURT

CITY OF MYRTLE BEACH

THE STATE OF SOUTH CAROLINA, Respondent,

v.

ROBERT MITCHELL, Defendant/Appellant.

CASE NO.: **2026A2620600170** (Related Case: 2025A2610400143)

NOTICE OF APPEAL AND MOTION TO VACATE PLEA

TO: THE CLERK OF COURT FOR MYRTLE BEACH MUNICIPAL COURT AND THE CITY ATTORNEY/PROSECUTION:

PLEASE TAKE NOTICE that the Defendant, Robert Mitchell, by and through his undersigned counsel,

Lisa Deitle

of the Horry County Public Defender's Office, hereby appeals to the Court of Common Pleas for Horry County from the judgment, conviction, and sentence (Suspended) entered on April 8, 2026.

GROUND FOR APPEAL: The Defendant moves to vacate the plea entered on April 8, 2026, on the following grounds:

1. Involuntary Plea / Duress: The Defendant asserts that the plea was not entered knowingly, voluntarily, or intelligently, as it was signed under extreme stress and duress.
2. Ineffective Assistance of Prior Counsel: The Defendant alleges ineffective assistance of counsel by prior attorney **Stuart M. Axelrod** in the handling of related Case No. **2025A2610400143** (Still open), which fundamentally prejudiced the Defendant's safety / position and decision-making process in the current matter (Case No. 2026A2620600170).
3. Judicial Misconduct: The Defendant alleges that judicial misconduct occurred during the proceedings of case 2025A2610400143, which deprived the Defendant of due process and a fair hearing.
4. Manifest Injustice: To allow the plea to stand would result in a manifest injustice based on the totality of the circumstances surrounding the Defendant's legal representation and the conduct of the court.

REQUEST FOR TRANSCRIPT of case 2025A2610400143 AND RETURN: Pursuant to S.C. Code § 14-25-105, the Appellant requests that the Municipal Court provide a complete record of the proceedings, including all testimony and the plea colloquy, and make a return to the Court of Common Pleas within ten (10) days.

Respectfully submitted,

Date: April 8, 2026

