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SC Court of Appeals

IN THE SOUTH CAROLINA
COURT OF APPEALS

THE STATE OF SOUTH CAROLINA)	REQUEST FOR APPEAL
COUNTY OF LANCASTER)	STATEMENT OF
<i>Prosecutor,</i>)	APPELANTS COUNSEL
)	
V.)	.
)	
DA JAMES GREENE)	Criminal No.
<i>Defendant.</i>)	2025GS2902270
)	
)	

**STATEMENT OF APPELANTS COUNSEL REGARDING REQUEST FOR
APPEAL OF GUILTY PLEA.**

I. Appellant’s statement of facts.

The defendant was charged in Lancaster County General Sessions Court with Drugs / Manuf. Poss. of Other Subs. In Sch. I, II, III, or Flunitrazepam or analogue W.I.T.D 2nd offense, offense code 0186, P.W.I.T.D Near a School, offense code 0107, Possession of Fifteen Dosage Units of MDMA or Ecstasy 1st offense, offense code 2919, and Trafficking in Fentanyl 4 Grams or More But Less Than 14 Grams 2nd Offense, offense code 4084 from an incident occurring in Lancaster County on or around 11/02/2023. The defendant’s home was searched and drugs were located in the defendant’s home where he had told officers they would be. The search warrant was based on multiple sales to a CI. The defendant was arrested for the sales to a CI before they served the search warrant on the defendant and his home.

Through pretrial we were able to get the State to dismiss all charges related to the CI buys and the cases for the search warrant listed above were put on the trial roster. The drug report for the MDMA came back as Meth and the State Indicted him on CDR Code 188 Drugs of other controlled substances 3rd offense, CDR Code 4084 Trafficking in Fentanyl 2nd offense, and CDR Code Distribution of Meth 3rd offense.

The confession to the drugs when Mr. Greene was arrested was going to be a pretrial issue due to it being substantially prejudicial that our client was arrested on charges from another incident the state was not trying and a prior bad act. However, Mr. Greene asked to speak with police after he was given his warrants for what was found in the search of his home based on the CI buys, he was

mirandized and asked if he wanted an attorney present to which he stated no. Mr. Greene without promises of leniency admitted to the drugs being his and to selling drugs. Mr. Greene expressed he wanted to cooperate with police and an arrangement was made for him to speak with Detective's after he received bail.

Mr. Greene met with detectives after he made bail and gave them some information that it appears in the video, and from their statements on the issue, that they were investigating. The Detectives told me Mr. Greene was to reach back out to them to try to help his case, but he never did after this meeting.

The trial was called the week of March 2nd and the defense was ready to proceed. Mr. Greene asked that we move for a continuance so that he could have more time to consult with me and I filed a motion to continue expressing Mr. Greenes concerns including length of time we had to prepare together. The request was denied.

After consulting with his attorney and negotiations with the solicitor office Mr. Greene accepted a plea to Trafficking in Fentanyl 1st Offense for a range of 7-15 and all other charges were dismissed. Mr. Greene entered into this plea in front of the Honorable Judge Burch and received a delayed sentencing as part of the agreement. Mr. Greene was given until May 14th to be sentenced.

Mr. Greene informed his attorney he wanted to try and withdraw his plea. The defense filed a motion to be heard on the issue in front of Judge Burch on May 14th and the motion was denied. Mitigation and sentencing took place and Mr. Greene received 12 yrs for Trafficking in Fentanyl 1st Offense.

II. Issues on appeal

Subsequent to his guilty plea, the defendant requested his counsel to file an appeal regarding this plea. Pursuant to Rule 203(b)(2) and(d) SCACR, defendant's counsel is filing this appeal.

Respectfully submitted,

By: 

Jerry H. White III.
Attorney for the Defendant
104 S Main St,
Lancaster, S.C. 29720
(803) 285 - 5585