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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

RECEIVED

FEB 28 2014

February 28, 2014

SC Court of Appeals

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JAN 28 2014

SC Court of Appeals

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Ricky Dale Gilstrap v. State of South Carolina
Appellate Case No. 2011-190808

Dear Mr. Shearouse:

I received a letter from this Court on February 20, 2014 asking me to advise whether Petitioner Ricky Dale Gilstrap has fully served his sentences imposed on October 6, 2009, whether any issue regarding the rejected plea bargain is moot, and what specific remedy is now being sought. I respond as follows:

Mr. Gilstrap was released from custody on May 17, 2012. He is still, however, on parole for the forgery counts until August 24, 2014 and on probation for the drug possession until May 16, 2015.

The issue regarding the rejected plea bargain is not moot. This Court has explicitly held that a person need not be in state custody to seek post-conviction relief. Jackson v. State, 331 S.C. 486, 489 S.E.2d 915 (1997) A PCR case may be heard after a prisoner has fully completed his sentence. Jones v. State, 322 S.C. 101, 470 S.E.2d 110 (1996). He need only show that he suffers continuing effects from his conviction. Jackson, supra.

Although Mr. Gilstrap is no longer in custody, his sentence is not complete. He is still subject to invasive, involuntary state surveillance and control. Mr. Gilstrap is still under supervision, so he will be directly affected by his conviction until at least May 2015. In fact, Mr. Gilstrap was charged with violating his probation on February 18, 2014 as indicated by the enclosed records from the Greenville County Detention Center. These facts should be sufficient under Jackson and Jones to render the issue not moot.

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S.C. Supreme Court

The Honorable Daniel E. Shearouse
February 28, 2014
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Therefore, we are of the belief that Mr. Gilstrap's matter is not moot. As for a specific remedy, Mr. Gilstrap seeks either (1) the reinstatement of the original five year plea offer which would effectively end his parole and probation; or (2) the reversal of his convictions and a new trial.

Please contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Ganjehsani', with a stylized flourish at the end.

Carmen V. Ganjehsani
Appellate Defender

CVG
Encs.

cc: Karen Ratigan, Esquire
Ricky Dale Gilstrap

Greenville County Government

online

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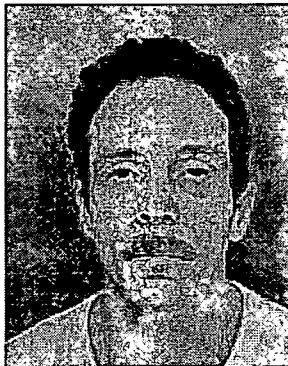
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- Org. Chart
- Psychological
- Telephc

Inmate Search: Details

Inmate Description and Location:



Picture Date: 2/18/14

Name / ID Number: GILSTRAP, RICKY DALE / 0354

Gender: MALE

Race: WHITE

Date of Birth: 5/01/68

Hair Color: BROWN

Eye Color: BROWN

Height: 6' 00"

Weight: 152 lb

Housing Unit: N/A

Inmate Charges:

Charges: Show All 1 2 3 4 5 6

BOND NOT SATISFIED AND THE CHARGE IS AS FOLLOWS:

Charge 100 : VIOL OF PROBATION **Charge Date:** 2/18/14 **Warrant:** W23140014

Arresting Agency: PROBATION & PAROLE **Trial Judge:** PASCHAL **Committing Judge:** FOSTER

Bond: 02/18/2014 - Cash Bond of \$10000.00 or Surety Bond of \$10000.00

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Inmate Search: Details

Inmate Description and Location:



Picture Date: 2/18/14

Name / ID Number: GILSTRAP, RICKY DALE / 0354

Gender: MALE

Race: WHITE

Date of Birth: 5/01/68

Hair Color: BROWN

Eye Color: BROWN

Height: 6' 00"

Weight: 152 lb

Housing Unit: N/A

Inmate Charges:

Charges: Show All [1](#) [2](#) [3](#) [4](#) [5](#) [6](#)

BOND NOT SATISFIED AND THE CHARGE IS AS FOLLOWS:

Charge 200 : VIOL OF PROBATION Charge Date: 2/18/14 Warrant: W23140013

Arresting Agency: PROBATION & PAROLE Trial Judge: PASCHAL Committing Judge: FOSTER

Bond: 02/18/2014 - Cash Bond of \$10000.00 or Surety Bond of \$10000.00

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Greenville County Government

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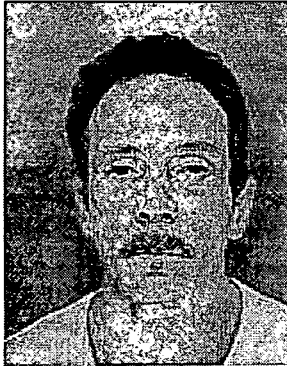
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Eye Color: BROWN

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Weight: 152 lb

Housing Unit: N/A

Inmate Charges:

Charges: Show All [1](#) [2](#) [3](#) [4](#) [5](#) [6](#)

THE CHARGE IS AS FOLLOWS:

Charge 250 : VIOL OF PROBATION **Charge Date:** 2/18/14 **Warrant:** W23140013

Arresting Agency: PROBATION & PAROLE **Trial Judge:** PASCHAL **Committing Judge:** FOSTER

Sentence: Included with the previous Charge

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