

CHARLESTON COUNTY PUBLIC DEFENDER
O.T. WALLACE COUNTY OFFICE BUILDING
101 MEETING STREET
CHARLESTON, SOUTH CAROLINA 29401

(843) 958-1850

FAX 843-958-1860

FAX TRANSMISSION

TO: The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals

FAX#: 803.734.1839

FROM: Michelle Moore Trimble for Luke J. Malloy

DATE: 04.14.2014

RE: The State v. Jeffrey Memering
Appellate Case No.: 2014-000681

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APR 15 2014

SC Court of Appeals

The following information includes 4 pages including cover sheet. If you do not receive this in good order, please call the operator at number above.

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CHARLESTON COUNTY PUBLIC DEFENDER
O.T. WALLACE COUNTY OFFICE BUILDING
101 MEETING STREET, 5th FLOOR
CHARLESTON, SC 29401-2214
(843) 958-1850

April 14, 2014

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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APR 15 2014

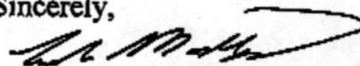
SC Court of Appeals

Re: The State v. Jeffery Memering, Appellant
Appellate Case No. 2014-000681
Addendum pursuant to SCACR 203(d)(1)(B)(iv)

Dear Ms. Kitchings:

The Defendant Jeffery Memering pled guilty under Alford on February 26, 2014 before the Honorable Kristi Lea Harrington. Mr. Memering pled at the close of the State's case in his trial for Breach of Trust with Fraudulent Intent. The issue arising from the Defendant, Jeffery Memering's plea, is whether the plea was entered voluntarily. Mr. Memering contends that his decision to plead guilty was influenced by the potential consequences his decision would have on his sentence, if convicted. Specifically, Mr. Memering contends that he pled guilty out of fear that he would be sentenced to prison if he did not plead guilty, and was subsequently found guilty by the jury. A timely motion to withdraw the plea was filed on March 5, 2014. Subsequently, the motion was heard by Judge Harrington on March 20, 2014. At the aforementioned hearing, Mr. Memering addressed the court in support of his motion. Judge Harrington denied the motion, and an appeal was filed on March 28, 2014.

Sincerely,



Luke J. Malloy, Esq.
SC Bar #100169
Attorney for Jeffery Memering

STATE OF SOUTH CAROLINA)
 COUNTY OF Charleston)
 STATE VS.)
 Jeffery Scott Memering)
 AKA:)
 Race: ~~WHITE~~ Sex: ~~M~~ Age: ~~34~~)
 DOB: ~~01/15/80~~ SS#: ~~123456789~~)
 Address: ~~123 Main St~~)
 City, State, Zip: ~~Charleston, SC 29401~~)
 DL#: ~~12345678~~ SID#: SC02024869)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS1001205

A/W#: M614302

Date of Offense: 6/10/2010

S.C. Code §: 16-13-0230(B)(3)

CDR Code #: 0421

Alford SENTENCE SHEET

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APR 16 2014

SC Court of Appeals

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Breach / Breach of trust with fraudulent intent, value more than \$2,000 but less than \$10,000

in violation of § 16-13-0230(A) of the S.C. Code of Laws, bearing CDR Code # 3423

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Askins, Marian SC Bar# 135593 Defendant Luke Melloy Attorney for Defendant SC Bar# 100109

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years
 and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2012-GS-10-1204
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Bearing Ordered
 Total: \$ plus 20% fee: \$
 Payment Terms:
 Set by SCDPPPS

PTUP
 days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp.
 May serve W/E beginning
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly
 prnts. of \$ beginning
 \$ paid to Public Defender Fund
 Other:

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5%)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/cv
Proviso 90.5 (SCCA Surcharge)	\$5
3% to County (if paid in installments)	\$3.90
TOTAL	\$133.90

Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Paige Marks
 Court Reporter: Sharon Vizer
 SCCA/217 (03/2011)

ATTEST: A TRUE COPY:
 JULIE J. ARMSTRONG (SEAL)
 CLERK OF C.S. & J.C.
 By: DEPUTY CLERK

Presiding Judge:
 Judge Code:
 3/4/14

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
STATE VS.
Jeffery Scott Memering
AKA:
Race: Sex: Age:
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#: SC02024869

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS1001204
A/W#: M614303
Date of Offense: 3/1/2011
S.C. Code §: 16-13-0230(B)(3)
CDR Code #: 0421

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APR 15 2014

COURT OF APPEALS

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Breach / Breach of trust with fraudulent intent, value more than \$2,000 but less than \$10,000

in violation of § 16-13-0230(A) of the S.C. Code of Laws, bearing CDR Code # 3423
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

Askins, Marian SC Bar# 635933 Defendant
Like Mallon Attorney for Defendant SC Bar# 100469

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 5(Five)

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.
CONCURRENT or CONSECUTIVE to sentence on: 2012-GS-10-1005
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$

Payment Terms:
Set by SCDPPPS

Recipient: See attached order
3/21/14

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(I) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$18.90, TOTAL \$648.90

Clerk of Court/ Deputy Clerk Paige Martin
Court Reporter: Sharon Vizen

SCCA/217 (03/2011)

SPECIAL CONDITIONS:
PTUP after 3 years + payment of restitution
days/hours Public Service Employment

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other: Restitution hearing within 30 days

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge Judge Eddy
ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF G.S. & F.C.
By: DEPUTY CLERK