

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM GREENVILLE COUNTY  
Court of General Sessions

Letitia H. Verdin, Circuit Court Judge

---

Indictment Number 2013-GS-10918

---

The State,

Respondent,

v.

Walter Jacob Merka,

Appellant.

**RECEIVED**

JUN 20 2014

---

AFFIDAVIT OF DEFENDANT WALTER MERKA

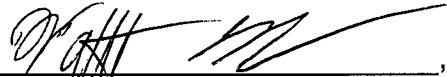
**SC Court of Appeals**

---

PERSONALLY APPEARED the undersigned Walter Merka, who being first duly sworn, states as follows:

1. I am the defendant in this case.
2. Pursuant to Rule 203 and as noted in the Notice of Appeal and Amended Notice of Appeal, there are three issues for appeal in my case.
3. My attorney and I have a good faith belief that the motion for a new trial in my case should have been granted based on the three issues.
4. The first issue is whether the State's failure to turn over key statements by the victim regarding the defendant's guilt or lack thereof rendered my guilty plea invalid.
5. The second issue is whether the trial judge was required to ask about my mental state as a part of my guilty plea.
6. The third issue is whether a new trial should have been granted when the issue of my mental illness was discovered post-plea.

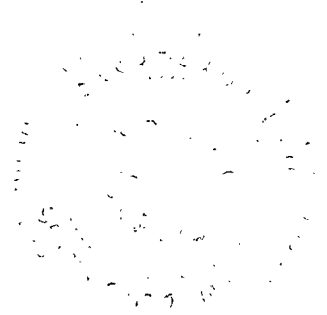
RESPECTFULLY SUBMITTED

  
\_\_\_\_\_  
Walter Merka,  
Defendant

SWORN TO before this 16<sup>th</sup>  
Day of June, 2014

Soultan (SEAL)  
Notary Public for South Carolina  
My Commission expires: 2/24

sworn to and subscribed before me  
on 16th day of June 2014  
Soultan  
(Notary Public of South Carolina)  
My Commission Expires 2/24



William G. Yarborough III, Attorney at Law  
522 North Church Street  
Greenville, SC 29601  
wgyarborough@gmail.com  
864-331-1612

June 16, 2014

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

In re: Walter Merka, Indictment number 2013-GS-10918, Appellate Number 2014-001150  
**VIA UNITED STATES MAIL**

Dear Ms. Kitchings:

Attached please find my letter to Mr. Merka and the original, notarized guilty plea statement signed by him. Mr. Merka is incarcerated, and in order to ensure that you received the guilty plea statement within the twenty (20) day period, we instructed Mr. Merka to send the statement back to us so that we could promptly forward the statement.

Thank you so much, and do not hesitate to contact me with any questions.

Sincerely,



William G. Yarborough III/jy

**RECEIVED**

JUN 20 2014

**SC Court of Appeals**

William G. Yarborough III, Attorney at Law  
522 North Church Street  
Greenville, SC 29601  
wgyarborough@gmail.com  
864-331-1612

June 9, 2014

Walter Jacob Merka,  
SCDC # 00358131  
Evans Correctional Institute  
610 Highway 9 West  
Bennettsville, SC 29512  
**VIA UNITED STATES MAIL**

Dear Walter:

As you know, we are appealing our motion to reconsider/motion for a new trial in your case. Because the motions we are appealing stem from your guilty plea, the Court of Appeals requires a statement from you stating what the issues for appeal are in this case. Because we have discussed what these issues are, please sign this statement and get the prison notary to notarize it.

**THIS STATEMENT BY YOU MUST BE SIGNED AND SENT TO THE COURT WITHIN TWENTY (20) DAYS THAT YOU RECEIVE THIS LETTER FROM ME. THEREFORE, IT IS SO IMPORTANT THAT I GET THIS STATEMENT FROM YOU BACK IN TIME TO FORWARD IT TO THE COURT, OR YOUR APPEAL WILL BE DISMISSED! I have enclosed a self-addressed, stamped envelope for you to immediately send this statement back to me.**

Sincerely,



William G. Yarborough III/jy

**RECEIVED**

JUN 20 2014

**SC Court of Appeals**

**Law Office of William G. Yarborough III**

522 North Church Street  
Greenville, SC 29601

GREENVILLE SC 296

18 JUN 2014

**RECEIVED**

JUN 20 2014



02 1P \$ 000.48  
0001812653 JUN 17 2014  
MAILED FROM ZIP CODE 29601

**SC Court of Appeals**

**Jenny Abbott Kitchings**

**Clerk of Court**

**Court of Appeals of South Carolina**

**PO Box 11629**

**Columbia, SC 29211**

2921131629

