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Thursday, June 07, 2012

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

RE: The State of South Carolina v. Charvus Tarrel Nesbitt
Case Nos. 2011-GS-42-1414, 2011-GS-42-1415 and 2012-GS-42-00349

Dear Ms. Kitchings:

Enclosed are an original and one copy of a Notice of Appeal and a Proof of Service for the above-referenced case. Please return the copies to me in the enclosed envelope. Also enclosed are copies of the orders being challenged. No filing fee is included as this is an appeal of a criminal case.

I have previously requested and received a copy of the transcript from my client's initial plea hearing. Along with this appeal, I will be requesting the transcript from our Motion for New Trial hearing.

In accordance with Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules, I am required to offer the Court "an explanation showing that there is an issue which can be reviewed on appeal." My client entered into an Alford plea with a negotiated sentence of forty years as to all four charges. Following the hearing, I filed a motion to set aside the plea. I have attached a copy of that Motion for your consideration and as for justification of the appealability of this case. The Court found that my client "was never questioned by the Court about his plea" to one of the four charges. Although the Court set aside the plea as to that one charge, it did not set aside the other three. The issue for this appeal will be whether the entire plea must be set aside based on this error.

Per your office's instructions, I am informing opposing counsel by copy of this letter that they have twenty (20) days from the date of this letter to file a written response as to the appealability of this case with the Court.

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SC Court of Appeals