

State of South Carolina  
County of Horry

In The Court of General Sessions  
Of The Fifteenth Judicial Circuit

South Carolina

vs.

Gary Lewis Cromartie  
Defendant

MOTION FOR APPEAL

RECEIVED

FEB 24 2015

SC Court of Appeals

Warrant #'s 2014B2600100707

Case #'s 2014GS2600442 2013A2610203495

To: Scott

Assistant Solicitor, 15<sup>th</sup> Judicial Circuit

You are hereby notified that as soon as it may be heard, Defendant Gary Lewis Cromartie, will move before the court for a Motion For Appeal.

I Gary Lewis Cromartie am moving to file this Motion of Appeal due to the fact of misrepresentation by and through my attorney Mr. Jim Ervin. During our initial interview I was promised that my case would be made to go away for the sum of \$5,000.00. The first payment to him was for \$2,000.00, and I was to finish making payments at \$300.00 a month for the next 10 months. By 9/5/2014 I had already payed a total of \$2,700.00 when a bench warrant was issued for my arrest, due to Mr. Ervin's negligence. I was contacted 2 days prior to me being in court by Mr. Ervin's secretary. At that time I was out of state working and I informed her of my situation. I was told by her that it was only a routine role call and that my attorney could get my absence excused. And if I didnt hear anything from her by that same afternoon that everything had been handle. On the day that I was suppose to appear in court Mr. Ervin later

told me that he and the solicitor tried to contact me but I never received a call or message bringing forth a bench warrant for my arrest. I found out through my bond man Ms Donell that this Warrant had been issued. I explained to her what happen and she told me that I needed to contact Mr. Ervin and to inform her as to what was going on. I did that and Mr Ervin told me that he would arrange it with the court system where I could turn myself in and be released the same day he also informed me that the state of South Carolina would not come and get me that I was fine until such time as he could handle the situation. Over a period of five months I stayed in contact with Mr Ervin and Ms Donell up until the time of my arrest. After I was arrested Mr Ervin made me several promises and didn't follow through on any of them the first one being that he could get the bench warrant lifted if I gave him an additional 500<sup>00</sup> dollars that he would have me released in no more than two weeks. I also have witnesses that he promise them that I would be released within that two week period. On the day that I was suppose to be released on or about JAN 16<sup>th</sup> Mr Ervin informed me that the solicitor said that I had to have a hearing on Feb 18<sup>th</sup> for what reason he never explain or gave me any explanation. I later found out that at that time I was placed on the trial calendar without my knowledge these are some of Mr Ervin violation of misrepresentation.

1. He lied about the lifting of the bench warrant he knew that on Feb 18<sup>th</sup> that I was going to

trail on the same day the bench warrant was suppose to be lifted He asked for 5000 additional dollars fully aware that I was going to be sentenced on that day he received that money with no service render and I am asking for a refund on those monies

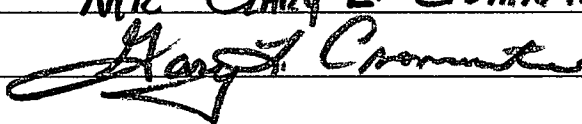
2. there was a four year plea bargain offer by the solicitor to Mr. Erwin that I was never made aware of he later stated that he did not offer the plea because he felt it was still to large of a sentence but that was not his decision to make and as a result of his decision I got 54 months instead of 48

3. I never received a true bill of indictment or my motion of discovery there was suppose to be a tape of the actual shoplifting that I was never given the opportunity to view

4. He also make a promise that if I payed him 5000 dollars that he would make this charge go away that I wouldnt receive any time my wife and my brother can witness to that

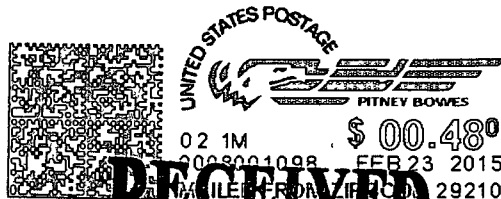
5. Mr. Erwin also allowed the solicitor to come into the conference room and intimidate me with threats on those different occasions while we were in the process of trying to come to a decision about my plea there should never have been any conversation between

The solicitor and me. I had legal council and my offer should have been directed to my attorney he told me that his offer should not have been five years it should have been seven and that if I didn't plea guilty that I was probably going to be sentenced to ten years I feel those were intimidating tactics and should never have been allowed on my attorney's behalf or the solicitor I feel they were working together to get a guilty plea I feel I was forced into this plea and dealt a not in justice decision

Sincerely yours  
Mr. GARY L. Cromarte  


Mr GARY L Cromartie 363064

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Appellate Court  
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Columbia SC

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