

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM KERSHAW COUNTY  
Court of General Sessions  
Honorable R. Ferrell Cothran, Circuit Judge  
2006 - GS - 28 - 00116

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State of South Carolina,

Respondent,

— VS —

Clifton D. Cooke,

Appellant.

Motion for Leave to File  
Motion to Withdraw Guilty Plea

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SC COURT OF APPEALS

Appellant, by and through the undersigned, hereby asks this Court to grant him permission to file the attached Motion to Withdraw Guilty Plea in the Court of General Sessions for Kershaw County pursuant to Rolen vs. State, 384 S.C. 409, 683 S.E.2d 471 (S.C. 2009).

The basis for this motion that Appellant's plea counsel clearly was ineffective in failing to move to withdraw the Alford plea based upon the issues raised in the attached

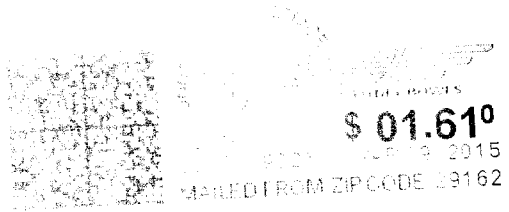
proposed motion to withdraw. Appellant requests this Court to find plea counsel rendered ineffective assistance of counsel in failing to make the motion to withdraw, and to remand this matter to the point in the plea hearing at which time plea counsel should have made the motion to withdraw, as the Supreme Court ordered in Rolen vs. State, 683 S.E.2d 471 (s.c. 2009).

WHEREFORE, the Appellant hereby request for permission to file the motion to withdraw the Alford plea in the lower court.

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Tiffany Bulter, Esq.  
S.C. Commission on Indigent  
Defense, Divison of Appeals

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\$ 01.61<sup>0</sup>

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**SC Court of Appeals**

South Carolina Court of Appeal

Jenny ABBott Kitchings, Clerk

P. O. Box 11629

Columbia, SC. 29211

