

South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

June 12th, 2015.

Re: State v. David L. Midgette
Appellate Case No. 2015-001017

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JUN 22 2015

SC Court of Appeals

To whom this may concern,

I have received a letter from Mr. Charles W. Snyder, III with the Seventh Judicial Circuit Public Defenders office concerning my appeal. Mr. Snyder has advised me that I have to inform you of issues that are of arguable basis preserved for appeal of my guilty plea. The arguable basis are as follows;

- (1) On May 5th, 2015 I plead Alford v. N.C to the 2nd offense, Possession of meth & 2nd offense Manufacturing meth, involuntarily & by coercion.
- (2) On the above stated offenses I was never given the opportunity to receive my "Actual Discovery & Disclosure of Evidence" Pursuan to the South Carolina Rules of Criminal Procedure, Rule 5. Mr. Charles Snyder in wich was my Public Defender in these matters never received my "Discovery of Evidence" with me, never gave me a copy in wich I requested from Mr. Snyder. This is a direct violation of my 5th, 6th, & 14th Amendments.
- (3) On May 5th, 2015 I had requested a trial by jury in wich never happened due to a negotiated plea between me, Mr. Snyder & the Prosecutor in the above stated matters. The negotiated plea was for 3 years in the Department of Corrections with in house treatment for drug addiction. Under State v. Thrift, 312 S.C 242, 440 S.E. 2d 341 (1994) plainly states that every detail of a negotiated plea be Specified in court. In the above stated matters it wasn't, & the Prosecution withdrew at the last minute from the negotiation.

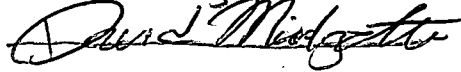
(4) On May 5th, 2015 during the plea hearing on the above stated matters, I plainly stated on the record to the Honorable Judge Daniel Hall that I plead "Not Guilty", in which not only Mr. Charles Snyder but Mr. James Cheeks also came to me & assured me of the plea negotiation of 3 years with in house drug addiction treatment in which I didn't receive.

These are the arguable basis preserved for appeal of my guilty plea. I am in the process of trying to receive my "Actual Discovery & Disclosure of Evidence" Pursuant to Rule 5 along with the Court Reporters Report of the hearing in question in which will prove that I plainly plead "Not Guilty" on record. I am laymen to alot of the court procedures but am in no way "Guilty" in which I was coerced to plead.

Thank you, your time & patience in this matter is greatly appreciated.

Sincerely,

David L. Midsatte

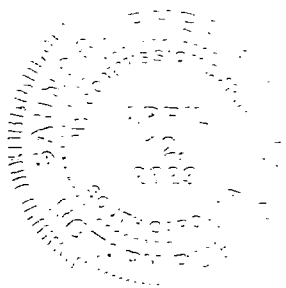
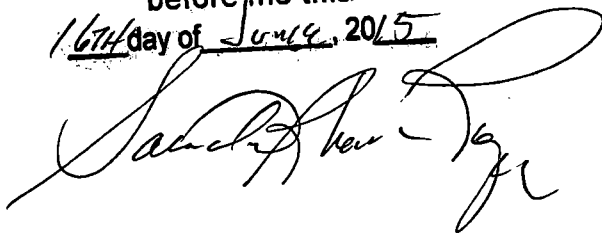


Mr. David L. Midsatte
SEDC ID: 00355177
Kirkland Corr. Inst.
4344 Broad River Rd.
Columbia S.C. 29210,

Notary: _____

Sworn to and subscribed
before me this

16th day of June, 2015



SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER

CLAY T. ALLEN
CIRCUIT PUBLIC DEFENDER

366 NORTH CHURCH STREET
SUITE 3000
SPARTANBURG SC 29303



TELEPHONE (864) 596-2561

FAX (864) 596-2284

June 1, 2015

Mr. David Lee Midgette
SCDC ID: 00355177
Kirkland Correctional Institution
4344 Broad River Road
Columbia, South Carolina 29210

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SC Court of Appeals

Re: State v. David L. Midgette
Appellate Case No. 2015-001017

Dear Mr. Midgette:

As I have previously advised you, in filing a notice of appeal of a guilty plea, I was required to advise the Court of Appeals of the issues that were raised during the guilty plea and were preserved for appellate review. I also advised you that I knew of no such issues and that I was required to so advise the Court.

I have received the enclosed letter from the Court of Appeals. Please be advised that you now have twenty (20) days from the date of my letter to you to inform the Court of Appeals in writing of any arguable basis that there are issues preserved for appeal of your guilty plea. You must send the Court your letter by **June 21, 2015**. Please send your letter explaining the basis of your appeal to the following address:

South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Failure to send the Court your written explanation by the above deadline may result in the dismissal of your appeal.

Sincerely,

Charles W. Snyder, III
Assistant Public Defender

CWS:

cc: Jenny Abbott Kitchings, Clerk
Robert M. Dudek, Esquire
James Edward Hunter, Esquire
Sally W. Elliott, Esquire

Enclosures



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SC Court of Appeals

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
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May 12, 2015

Mr. Charles William Snyder, III, Esquire
366 North Church Street, Suite 3000
Spartanburg SC 29303

Re: The State v. David L. Midgette
Appellate Case No. 2015-001017

Dear Counsel:

This Court has received your explanation for appealing.

Please forward your explanation to your client, along with a statement that your client has twenty (20) days from the date of your transmittal letter to inform this Court in writing of any arguable basis that there are issues preserved for appeal. Please provide your client with the Court's address:

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Please send your letter to your client within ten (10) days, with a copy to this Court.

Very truly yours,

Jenny Abbott Kitchings

CLERK

cc: Robert Michael Dudek, Esquire
James Edward Hunter, Esquire
Alan McCrory Wilson, Esquire
Salley W. Elliott, Esquire

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF RETURN ADDRESS ONLY AT POST OFFICE

THE DEPARTMENT OF CORRECTIONS
HAS NOT CENSORED THIS ITEM
THEREFORE THE DEPARTMENT DOES
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ITS CONTENTS.