

KNEECE LAW

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RECEIVED
MAY 12 2015
SC Court of Appeals

May 5, 2015

The South Carolina Court of Appeals
Attn: Madame Clerk
P.O. Box 11629
Columbia, SC 29211

RE: State vs. Jimmy Dale Cagle; Appellate Case No. 2015-000345

Dear Madame Clerk:

Please be advised that I was initially appointed to represent the above named Defendant in October of 2013 on two charges. He was subsequently charged with nine other offences.

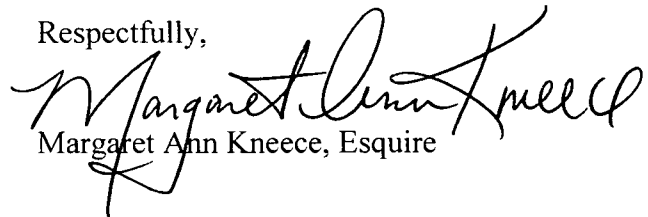
I succeeded in working out a plea with the Solicitor in which the Defendant would spend eighteen months in a rehabilitation facility after pleading guilty to two of the charges with three years to be served for each charge, consecutive, if he did not complete the program. The other charges would be nolle prossed.

Mr. Cagle did not attend the rehabilitation program and had to be forcefully brought back to Georgetown County. My last communication with him was unsuccessful as he was under the influence of some substance and I had no reason to believe he would willfully complete any kind of rehabilitation program nor voluntarily turn himself into to Law Enforcement.

On June 26, 2015 I was relieved as Counsel of Record by The Honorable Maite Murphy. I have enclosed a copy of the transcript of those proceedings, as well as the sentencing sheets for Mr. Cagle, and the Orders that appointed me to his defense. Please do not hesitate to contact me if you require further documentation.

Thank you for your attention to this matter. With kindest regards, I remain,

Respectfully,


Margaret Ann Kneece, Esquire

MAK/led

(5)
STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF GEORGETOWN)

The State,)

Plaintiff,)

vs.)

Jimmy Cagle,)

Defendant.)

Transcript of Record

Hearing

June 26, 2014

B E F O R E :

Honorable Maite Murphy
Georgetown County Courthouse
Georgetown, South Carolina

A P P E A R A N C E S:

Richard Todd, Esquire
Attorney for Plaintiff

Margaret Ann Kneece, Esquire
Attorney for Defendant

Grace L. Hurley, CVR-CM-M
Circuit Court Reporter

1 (There were no exhibits marked during the hearing.)

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1 MR. TODD: Your Honor, we have a quick housekeeping
2 matter regarding State versus Jimmy Cagle. That's what you
3 signed a bench warrant on for this week, and just a little
4 background on it, on the 17th of this month, Mr. Cagle did
5 plead guilty to two counts of assault and battery second
6 degree in front of Judge John. He was sentenced to three
7 years, consecutive, suspended to a 14-month program in Teen
8 Challenge. Mr. Cagle went up to the program, but did not
9 check in. So he violated that, that order. You signed the
10 bench warrant. We actually had discussions with his attorney
11 on him turning himself in. He's back here in Georgetown as
12 far as we know, and right now they are looking for him because
13 he will not willingly turn himself in. This is the ninth day
14 after the sentence. So his attorney is here. She is going to
15 put on the record why she's not going to file for a motion to
16 reconsider sentencing.

17 THE COURT: All right. Ms. Kneece?

18 MS. KNEECE: Thank you, Your Honor. I had actually
19 prepared a notice of motion to reconsider the sentence for Mr.
20 Cagle and that decision was based upon my conversations with
21 him, the documentation he provided me of his trip to
22 participate with Teen Challenge, my conversations with Teen
23 Challenge while he was present, although albeit briefly up
24 there, that for all indication, initially, he wanted to
25 participate with that program, that there were rules, that

1 they had told me initially I had received all the rules, and
2 then admitted in my conversation with them that, no, they
3 intentionally withhold rules until a person arrives. Based
4 upon that, my client's initial indications that he wanted to
5 participate in a drug rehab program, I had -- we had discussed
6 at his insistence that I file a motion to reconsider. The 10
7 days is up today, and I am not filing that motion and that I
8 would like the record to reflect why. I have had
9 conversations with the Solicitor. There is some discrepancy
10 in some of the things that my client had told me, although it
11 still is an issue of rules that he was unaware of, but that he
12 came back, he -- I had talked to him multiple times, several
13 times a day, was, was sober, sounded coherent and not under
14 the influence, indicated that he wanted to go to another rehab
15 program and have the Court reconsider that.

16 In the last 24 hours I have -- he no longer will
17 communicate with me. In my last conversation with him, he was
18 highly under the influence of some substance, and as a result
19 of that, I cannot, in good conscience, make a good faith
20 motion that he is still willing to participate in an alcohol
21 and drug abuse program, and Your Honor, in addition to that, I
22 was appointed to this case, and technically, my obligations to
23 him had expired at the time of his plea, and as a result that
24 today is the last day of the motion to reconsider, I would
25 respectfully request that you entertain and grant me a motion

1 to be relieved hereafter.

2 THE COURT: Yes, ma'am. Your motion is granted, unless
3 there's an objection from the State?

4 MR. TODD: No objection, Your Honor.

5 MS. KNEECE: Thank you, Your Honor.

6 MR. TODD: Thank you.

7 (Adjourned.)

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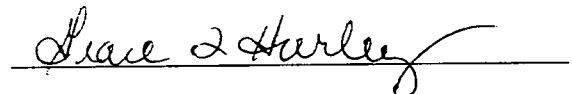
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C E R T I F I C A T E

I, the undersigned, Grace L. Hurley, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the hearing held in the case of The State versus Jimmy Cagle, held in the Court of General Sessions for Georgetown County, Georgetown County Courthouse, Georgetown, South Carolina, on June 26, 2014.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.



Grace L. Hurley, CVR-CM-M

Official Reporter

December 10, 2014.