



Law Offices of

**WILLIAM ISAAC DIGGS**

Licensed in NC & SC

1700 Oak Street, Suite D  
Myrtle Beach, SC 29577

843.626.4243

843.626.5123 Fax

[www.MyrtleBeachLaw.com](http://www.MyrtleBeachLaw.com)

April 27, 2012

Ubaldo Garcia Jr. # 00349072  
610 Highway 9 West  
Bennettsville, SC 29512

Re: Your Appeal

Enclosed please find a copy of the letter dated March 27, 2012 which I mailed to the Court of Appeals along with a copy of the letter we recently received from the Court of Appeals. Please review the letters and respond as soon as possible if there are any other issues which you desire for the Court to address. You have twenty (20) days to write the letter and the Court of Appeals address is as follows:

South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Let me know if you have any questions or need further information. With kind regards, I am

Sincerely yours,

William Isaac Diggs

WID/jnb

**RECEIVED**  
APR 30 2012  
SC Court of Appeals



Law Offices of

WILLIAM ISAAC DIGGS

Licensed in NC & SC

1700 Oak Street, Suite D  
Myrtle Beach, SC 29577

843.626.4243

843.626.5123 Fax

www.MyrtleBeachLaw.com

March 27, 2012

The Honorable V. Claire Allen, Deputy  
Clerk  
The South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: The State v. Garcia, Ubaldo

Dear Ms. Allen

This is in response to your letter dated March 23, 2012, and pursuant to S.C.A.C.R. 203(d)(1)(B)(iv). Mr. Garcia did plead guilty before the Honorable Steven H. John, Judge on December 14, 2011 to trafficking in cocaine. He received a sentence of 10 (ten) years. Two years prior to the plea, Mr. Garcia had been admitted to bail. A condition of his release was home detention *and* he was required to wear a GPS monitoring device. He did so for two (2) years. At the time he was sentenced, counsel argued that Mr. Garcia should receive credit for the time he has served on home detention and while wearing the GPS monitor. There is no case law directly on point in this circumstance in South Carolina. The closest case rejects the argument for receiving time served while on home detention. However, that case did not require the defendant to wear a GPS monitoring device. Judge John denied my request.

Mr. Garcia filed a motion to reconsider. This motion was heard on February 23, 2012. Again the argument for home detention GPS monitoring credit was made, but again it was rejected. That is the order / ruling which has been appealed. Thus, we would assert that the issue is appealable and preserved, notwithstanding the guilty plea which was entered. If you have any questions, please advise. With kind regards, I am

Sincerely yours,

William Isaac Diggs

Cc: Chief Appellate Defender Robert M. Dudek  
Senior Assistant Deputy Attorney General Salley W. Elliott

**RECEIVED**

APR 30 2012

**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  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

April 19, 2012

William I. Diggs, Esquire  
Law Office of William Isaac Diggs  
1700 Oak Street, Suite D  
Myrtle Beach, SC 29577

Re: The State v. Garcia, Ubaldo

Dear Mr. Diggs:

I have received your letter of March 27, 2012.

Please forward your letter to your client, along with a statement that he 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 him 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 office. Thank you very much.

Very truly yours,

*Jenny A. Kitchings*  
CLERK

JAK/dw

cc: Chief Appellate Defender Robert M. Dudek  
Senior Assistant Deputy Attorney General Salley W. Elliott

**RECEIVED**

APR 30 2012

**SC Court of Appeals**