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November 02, 2015

The Honorable Jenny Abbott Kitchings
Clerk, The South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: The State v. William Gerald McCrea
Appellate Case No. 2015-002105

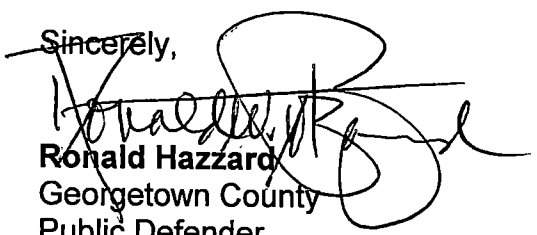
Written Explanation Pursuant to Rule 203(d)(1)(B)(iv), SCACR

Issue(s) to be raised on appeal: Appellant asserts that the prosecutor reneged on an agreement to recommend a lenient sentence to the sentencing court in exchange for Appellant's having previously provided information that was beneficial to the State in preparing for prosecution of the multiple matters of State v. Cleayvon Rutledge. Appellant therefore asserts that he should be allowed to withdraw his guilty plea.

Factual basis of issue(s): The issue was not raised at the time of Appellant's guilty plea because Appellant had not advised his counsel of record prior to the plea date that any promise had been made to Appellant by the prosecution regarding help in sentencing in exchange for any information that Appellant had provided. Appellant did not personally raise the issue during his guilty plea. As a result the matter was never ruled on by the General Sessions court.

Argument and citation: After reviewing this matter with the Appellant, I am informed and believe that Appellant is relying on Santobello v. New York, 404 US 257, 92 S.Ct. 495, 30 L.Ed. 2d. 427 (1971) and the progeny derived from that case to support his position that he should be allowed to withdraw his previous guilty plea.

Sincerely,



Ronald Hazzard
Georgetown County
Public Defender

CC: Robert M. Dudek, Esquire
Appellate Defense