

Fifteenth Circuit Public Defender

Horry & Georgetown Counties

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November 16, 2015

William McCrea #219934
Kirkland Reception and Evaluation Center
4344 Broad River Road
Columbia, SC 29210

RECEIVED

NOV 26 2015

SC Court of Appeals

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

Dear Mr. McCrea,

Please be advised that I have filed an Explanation with the South Carolina Court of Appeals as to why you would like to appeal your case. You will find this document enclosed with your letter. You now have 20 days from the date of this letter to inform the Court, in writing, of any arguable basis that there are issues preserved for appeal.

Once you have written your letter, please mail to the address listed below:

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

Sincerely,

Ronald Hazzard
Georgetown County
Public Defender

CC: South Carolina Court of Appeals
Attn: V. Claire Allen
Post Office Box 11629
Columbia, SC 29211

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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

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

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NOV 20 2015
SC Court of Appeals

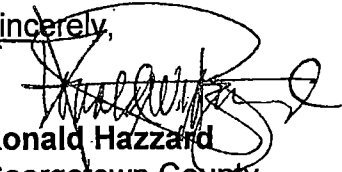
Written Explanation Pursuant to Rule 203(d)(1)(B)(iv), SCACR

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