

3

RECEIVED

NOV 23 2015

The State of South Carolina
Court of Appeals

In The Court of Appeals

Appeal From Sumter County
Court of General Sessions

Maite Murphy, Circuit Court Judge

Case No. 2015-GS-43-0714

The State Respondent

Wilbert J. Franklin Appellant

Notice of Appeal

Wilbert J. Franklin appeals his conviction and sentence in this case. The sentence was imposed by the honorable Maite Murphy on November 12, 2015.

Wilbert J. Franklin # 227450
Pro. Se

RECEIVED

NOV 23 2015

State of South Carolina

SC Court of Appeals

State of South Carolina } In The Sumter County Court
County of Sumter } of General Sessions
v. }
Wilbert J. Franklin #229450 } Case No. 2015-GS-43-0714
Defendant } Certificate of Service

I, Wilbert J. Franklin do hereby certify that all of the documents and information within is true and correct to the best of my knowledge and that a copy have been served on the following.

cc. Solicitor's Office
141 N. Main Street
Sumter, S.C. 29150

~~Sumter County Clerk of Court~~

Sumter County Clerk of Court
141 N. Main Street
Sumter, S.C. 29150

x Wilbert J. Franklin #229450
MacDougall C-I.
1516 Old Gilliard Rd.
Ridgeville, SC. 29472

STATE of South Carolina

STATE of South Carolina	}	In The Court of
County of Sumter		General Sessions
V.	}	
Wilbert J. Franklin # 229450		Case No. 2015-GS-43-0714
Defendant	}	Affidavit in Support of Motion for Reconsideration to SCR Crimp. 29

I, Wilbert Franklin request that this honorable court reconsider my sentence pursuant to the South Carolina Rules of Criminal Procedure rule (29). On November 12, 2015. I was found guilty of common law robbery / Strong arm robbery. However, I stood trial for armed robbery and was found not guilty of armed robbery by a jury. When I was arrested I wrote a statement to the Sumter County Police that I did commit a crime of common law robbery / strong arm robbery but I was instead charged with armed robbery. In addition I asked my lawyer if I could plead guilty to common law robbery / strong arm robbery but was denied the opportunity to do so. After being denied I wrote the solicitor's office requesting a plea and was denied a second time. The solicitor's office wanted me to plead to an armed robbery but I was not willing to plead to an offense that I did not do. We eventually

went to trial for armed robbery where I was found not guilty by a jury. My conviction of a lesser included offense of common law robbery / strong arm robbery resulted in my receiving the maximum sentence and that being ~~on~~ consecutive with the sentence that I am presently serving is why I am seeking relief. I wrote a statement waiving my right to remain silent, admitted to committing the offense of common law robbery / strong arm robbery and later denied the opportunity to plead guilty of the same. Later to receive the maximum sentence for what I was denied the opportunity to plead guilty to because I was not charged with what I wanted to plead guilty to. I humbly ask for relief and reconsideration. It seems like I was penalized for going to trial for something that I did not do. I pray for mercy regarding this matter and thank you in advance.

x Walter J. Franklin #229450
MacDougall C. I.
1516 Old Gilliard Rd.
Ridgeville, SC 29472

STATE of SOUTH Carolina

State of South Carolina
County of Sumter

In the Sumter County Court
of General Sessions

v.
Wilbert J. Franklin # 229450

Case No. 2015-GS-43-0714

Defendant
RECEIVED

Motion for Reconsideration
Pursuant to SCR Crimp. 29

NOV 23 2015

Defendant ^{SC Court of Appeals} Wilbert Franklin is an inmate currently in carcerated at the MacDougall Correctional Institution located in Ridgeville, South Carolina. He appeared before the Honorable Maite Murphy on November 12, 2015. After conviction by a jury, defendant was sentenced to fifteen years for common law robbery. This sentence was to run consecutive to a seven year sentence that he is already serving. Defendant moves this honorable court to reconsider his sentence and change it from consecutive to concurrent. He also request that his sentence be reduced. Before his conviction defendant was willing to plead guilty to common law robbery/strong arm robbery, however he was denied the opportunity to plead. Therefore defendant request that he be granted relief on the afore-said matter.

Wherefore defendant pray that the relief
requested be granted.

v Wilbert J. Franklin #229450
MacDougall Correction Institution
1516 Old Gilliard Rd.
Ridgeville, SC 29472

Wilbert J. Franklin # 229450
MacDougall C.I. HB-11B
1516 Old Gilliard Rd.
Ridgeville, S.C. 29472

RECEIVED

NOV 23 2015

SC Court of Appeals

The Honorable James C. Campbell
Sumter County Clerk of Court
141 N. Main St.
Sumter, S.C. 29156

date November 13, 2015

Please be advised that enclosed is my notice of intent to appeal, a motion pursuant to SC Criminal Procedure Rule 29, and Certificate of Service along with an affidavit to support this matter. Please send copy of the sentencing sheet for the November 12, 2015 conviction.

Clerk of the
Court of Appeals
cc:
Sumter County Solicitor's
office
Sumter County Clerk
of Court

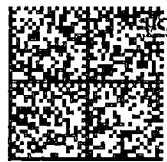
x Wilbert J. Franklin # 229450
MacDougall C.I.
1516 Old Gilliard Rd
Ridgeville, S.C. 29472

State of SC County of Berkeley
The foregoing instrument was acknowledged before me
this 19th day of Nov. 2015.
by WILBERT FRANKLIN
Lisa Cross Notary Public
My Commission Expires Jan 16, 2024

LISA M. CROSS
Notary Public, State of South Carolina
My Commission Expires 1/16/2024

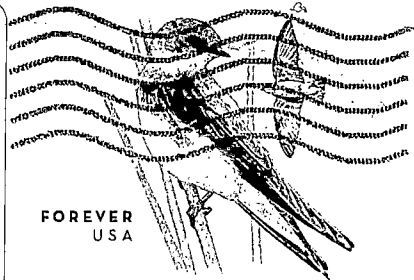
Wilbert J. Franklin # 229450
MacDougall C.I. HB-11 B
1516 Old Gilliard Rd.
Ridgeville, S.C. 29472

CHARLESTON SC 294



UNITED STATES POSTAGE
NOV 20 2015 PM 11
PITNEY BOWES

02 1P \$ 000.22⁰
0003167712 NOV 19 2015
MAILED FROM ZIP CODE 29472



FOREVER
USA

Bank Swallow

RECEIVED

NOV 19 2015

MacDougall Corr. Inst.
Mailroom

25201+3749

RECEIVED

Court of Appeals
Clerk's Office
NOV 23 2015
SC Court of Appeals
1015 Sumter St., Box 11629
Columbia, S.C. 29201-1629