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July 28, 2016

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AUG 01 2016

SC Court of Appeals

Honorable Jenny Abbot Kitchings
Post Office Box 11629
Columbia, SC 29211

RE: The State v. Daniel Young
Case Number: 2016-001185

Dear Ms. Kitchings:

I am in receipt of your letter concerning the failure to comply with Rule 203(d)(1)(B)(iv) SCACR. I will attempt to rectify that deficiency in this letter. To preface, Mr. Young has given me explicit permission to discuss any potentially privileged information that may be contained in this letter to further his appeal.

Mr. Young pled guilty to Domestic Violence, First Degree on May 31, 2016 in the Orangeburg County Court of General Sessions. He was sentenced by the Honorable Judge Maite Murphy to 5 years in the South Carolina Department of Corrections, suspended to 90 days in the county detention center, with 3 years of probation to follow. At the time of his sentencing, he was on federal parole. It was the understanding of myself, the Assistant Solicitor (Sarah Ford, Esquire), and the Court that this conviction would violate the federal parole. Therefore, the Court ordered that Mr. Young's probationary sentence was to begin after his release from federal prison.

Prior to the plea, the Assistant Solicitor and I met with the Judge in chambers to discuss the State's recommended plea offer. The offer was that the defendant plea guilty to the above-referenced charge for a recommendation of 90 days. After that meeting, it was the understanding of both me and the Assistant Solicitor that the judge could and would go along with that offer.

I spoke to my client after the *in-camera* meeting, but prior to the plea, about that meeting. I explained to him what was discussed. I told him that I have never had a Judge do something different than what was discussed in chambers without calling counsel to the bench, explaining

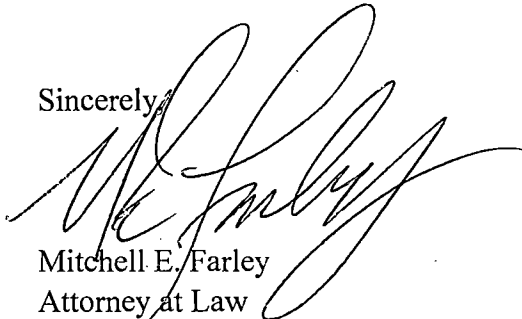
to them that she could not go along with what was discussed in chambers, and giving them the option to stand down the plea. Further, I reminded him of our conversation about his rights in our many meetings. I told him that regardless of the fact that I had never had a judge do something different than discussed in chambers; It was solely in the discretion of the Judge how she would sentence. I also reminded him of the maximum possible sentence and all of the options in between.

Shortly after the above discussion with Mr. Young, he pled. During the plea colloquy, the Judge reminded Mr. Young of all of his rights, including the fact that she did not have to go along with the plea offer. Under oath, Mr. Young said that he understand everything the Judge had told him. After accepting the plea, Mr. Young was sentenced as discussed in chambers, except she added the provision of probation.

Mr. Young told me after the plea that he relied on my discussions with the Judge and did not expect that probation would be a part of his sentence. Because of his dissatisfaction with his sentence, he asked me to file a Motion to Reconsider Sentence and to file an appeal. The Motion to Reconsider Sentence was timely filed, as was the appeal. The Judge denied our motion without a hearing.

The first issue being raised on appeal is the fact that the Judge did not allow us to stand down the plea after she realized that she could not go along with what was discussed *in-camera*. The second issue is whether or not the Judge can deny a Motion, especially a Motion to Reconsider Sentence, without first holding a hearing. I defer to South Carolina Commission on Indigent Defense Appellate Division for other possible grounds for appeal not specifically listed herein or in the Notice of Appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Farley", written in a cursive style.

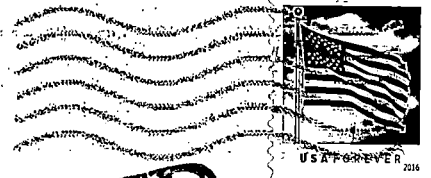
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