

EPPE & PLUMBLEE, P.A.

ATTORNEYS AND COUNSELORS AT LAW

1225 SOUTH CHURCH STREET, 29605
P.O. BOX 10066
GREENVILLE, SOUTH CAROLINA 29603
TELEPHONE (864) 235-2600
FACSIMILE (864) 235-4600
WWW.EPPESANDPLUMBLEE.COM

FRANK L. EPPES*†
L. LEE PLUMBLEE

FRANK EPPES
(1922-2002)

* ALSO ADMITTED IN NEW YORK
† ALSO ADMITTED IN NORTH CAROLINA

December 4, 2016

RECEIVED

DEC 07 2016

SC Court of Appeals

Carl Richard Smith
SCDC# 00327337
Kirkland Reception and Evaluation Center
4344 Broad River Road
Columbia, South Carolina 29210

**Re: State of South Carolina v. Carl Richard Smith, Appellant
Appellate Case No. 2016 - 002342**

Dear Ricky:

Enclosed is a letter from the Court of Appeals dated November 22, 2016. As you can see from the top corner, it was received in my office on November 29. You need to send to the Court by either December 12th or 19th a description of the arguable basis for your appeal.

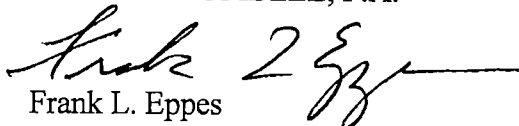
As I told you before, I am not sure, but I believe there may be some mistakes in the Judge's colloquy with you. Specifically, I believe his discussion of the Alford Plea and his interpretation of it as well as his interpretation of the reduction in charges was in error. Therefore, once you get the transcript there may be an issue worth pursuing. You are obligated to write the Court and tell them any thoughts you have as well as the information above.

You must use the caption above and send your letter to :

South Carolina Court of Appeals
PO Box 11629
Columbia, South Carolina 29211

As I also told you, if your appeal is not successful, you should file a PCR and if your PCR lawyer determines that there are any arguments to pursue, I will be happy to help in any way I can. I am very sorry about the result as I was completely wrong as to how the judge would view your case.

Sincerely,
EPPE & PLUMBLEE, P.A.


Frank L. Eppes

Enclosures

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December 4, 2016

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

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SC Court of Appeals

Re: State of South Carolina v. Carl Richard Smith, Appellant
Appellate Case No. 2016 - 002342

Dear Ms. Kitchings:

Attached please find a copy of the letter I sent my client today. Your letter, although dated November 22 did not arrive at my office until November 29. I have included this information in my letter to Mr. Smith. I told him I was unclear how you calculated the time, but I do believe that he may have some issues on appeal based upon his colloquy with the Court.

If you need anything further from me, please let me know.

Sincerely,
EPPES & PLUMBLEE, P.A.



Frank L. Eppes

Enclosures

cc: Brittany Scott (Greenville County Circuit Solicitors Office)
Kimberly McCall (South Carolina Commission on Indigent Defense)

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The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
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