

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Kristi Lea Harrington, Circuit Court Judge

**RECEIVED**

DEC 22 2016

**SC Court of Appeals**

THE STATE, .....Respondent,

v.

ADRIAN LESSTON, .....Appellant.

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**APPELLATE CASE NO. 2016-002470**

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**RESPONSE TO RULE 203(d)(1)(B)(iv) NOTICE**

*Submitted by:*  
Christopher R. Geel  
SC Bar No. 101458  
102 Broad St., Suite C  
Charleston, SC 29401  
843-577-2153  
Attorney for Appellant

Counsel respectfully submits this response to the Court's notice, dated December 13, 2016. In that notice, the Court instructed Counsel as follows:

The Court has received your notice of appeal. **Since this is an appeal from a guilty plea, nolo contendere plea, or plea pursuant to *Alford*, Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules requires you to provide 'a written explanation showing that there is an issue which can be reviewed on appeal. This explanation should identify the issue(s) to be raised on appeal and the factual basis for the issue(s) including how the issue(s) was raised below and the ruling of the lower court on that issue(s).**

(emphasis added). This case is not, in fact, an appeal taken from a guilty plea, nolo contendere plea, or a plea pursuant to *Alford*. Mr. Lesston was convicted after a bench trial. Counsel has contacted the Clerk of Court in Charleston County and learned that the public index incorrectly states that Mr. Lesston entered a guilty plea. The Clerk has indicated that they intend to rectify this error. Enclosed please find a certified copy of the sentencing sheet in this case (ATTACHMENT A), which indicates that Mr. Lesston was "convicted" and that he did not plead guilty.

Respectfully submitted this day, December 20, 2016.



Christopher R. Geel  
Attorney for Appellant

#### CERTIFICATE OF SERVICE

I hereby certify that I have served this document upon all parties via US Mail.

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**SC Court of Appeals**



Christopher R. Geel

**ATTACHMENT "A"**

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE VS.

ADRIAN WALLACE LESSTON

AKA: Adrian Lesston

Race: Black/African American Sex: M

DOB: 11/18/1991 SS#: 250-87-4048

Address: 1632 Louis St

City, State, Zip: North Charleston, SC 29405-4509

DL# 101550993 SID# SC01851813

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the said indictment comes now the Defendant who was

TO: Dist/PWID/Manuf Crack 2nd

In violation of § 44-53-0375(B)(2) of the S.C. Code of Laws, bearing CDR Code # 3015

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: [Signature]

Chris Lietzow, Assistant Solicitor 100521 SC Bar # Defendant Attorney for Defendant 101458 SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center, for a determinate term of 5 days/months/years or  under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$, plus costs and assessments as applicable\*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered: PTUP days/hours Public Service Employment

Total: \$ plus 20% fec: \$ Payment Terms:

Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like \*Fine, §14-1-206 (Assessments 107.5%), §14-1-211 (A)(1)(Conv. Surcharge) \$100, §14-1-211 (A)(2)(DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Prob) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114 (BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$, TOTAL \$283.25

Clerk of Court/Deputy Clerk: Plea Christine Davis / called Court Reporter: Plea Karen Ambrozio / Denise

SCCA/217 (07/2016)

ATTEST: A TRUE COPY JULIE J. ARMSTRONG (SEAL) CLERK, C.P., G.S. & E.C. By [Signature] DEPUTY CLERK

INDICTMENT/CASE#: 2014GS1004379 A/W: 2014A1010201377 Date of Offense: 03/14/2014 S.C. Code §: 44-53-0375 (B) (1) CDR Code #: 3015

SENTENCE SHEET

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Negotiated Sentence,  Recommendation by the State.

Attorney for Defendant 101458 SC Bar #

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THE LAW OFFICE OF  
*Christopher W. Adams*  
A PROFESSIONAL CORPORATION

December 20, 2016

Ms. Jenny Abbott Kitchings  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

**RECEIVED**

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Re: State v. Adrian Lesston  
Appellate Case No. 2016-002470

Dear Ms. Kitchings:

Enclosed please find our response per Rule 203(d)(1)(B)(iv).

I hope that this is sufficient to resolve any confusion about the nature of this case. If there is any additional documentation that I can provide, please let me know.

Sincerely,



Christopher R. Geel  
*Attorney at Law*

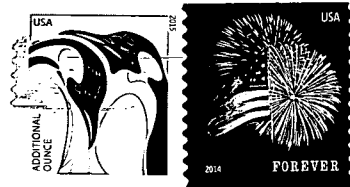
*Enclosure*

cc: *Alan McCrory Wilson, Esq.*  
*John Benjamin Aplin, Esq.*  
*Christopher Lietzow, Esq.*  
*Robert Michael Dudek, Esq.*

THE LAW OFFICE OF  
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102 BROAD STREET, SUITE C  
CHARLESTON, SOUTH CAROLINA 29401-2276

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

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CHARLESTON SC 294