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DEC 13 2017

SC Court of Appeals

EXPLANATION OF PLEA

The issue on appeal is the violation of the offer of a plea deal by the Fifth Circuit Solicitor's Office and subsequent acceptance of that plea offer by the Defendant, Geordi Jerrell Heyward.

On Thursday, September 7, 2017, an email from the Fifth Circuit Solicitor's Office relayed an offer for the Defendant to plead guilty with no recommendation from the State and both sentences would run concurrently with any probation revocation. Subsequently, on October 4, 2017, a further offer was made by the Fifth Circuit Solicitor's Office to dismiss the Human Trafficking charges and Defendant to plead guilty to the Criminal Sexual Conduct with a Minor, 2nd degree, with no recommendation to sentencing. On the morning of October 12, 2017, Counsel reaffirmed the offer with the State for no sentencing recommendation for a plea of guilty to the CSC with a Minor 2nd degree offense which the Fifth Circuit Solicitor's Office reestablished. However, during the hearing before the Honorable Alison Renee Lee, the Assistant Solicitor made specific sentencing recommendations on numerous occasions including to sentence Defendant to the maximum penalty of 20 years or, inversely and at minimum, to the higher end of the required maximum sentenced allowed, specifically between 15 to 20 years. This is in clear violation of the offer of a plea deal and the acceptance of a plea deal made by the Defendant, Geordi Heyward.

Counsel, on behalf of the Defendant filed a Motion to Reconsider the Sentence on October 18, 2017 and the Motion hearing was scheduled for December 4, 2017 before Judge Alison Lee. Judge Lee denied the Motion to Reconsider Sentence, but as of December 12, 2017, the Order denying Defendant's Motion has not been filed with the lower court.