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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Alison Renee Lee, Presiding Circuit Court Judge

Case Nos. 2017GS4000540

**COPY
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DEC 13 2017

SC Court of Appeals

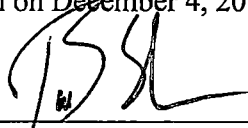
State of South Carolina Respondent.

v.

Geordi Jerell HeywardAppellant.

NOTICE OF APPEAL

Geordi Jerell Heyward appeals the sentence in this case following a Motion for Reconsideration of Sentence. The sentence was imposed by the Honorable Alison Renee Lee on October 12, 2017 and denied reconsideration on December 4, 2017.



Bakari T. Sellers

STROM LAW FIRM, LLC
2110 N. Beltline Blvd.
Columbia, SC 29204
(803) 252-4800
Attorney for Appellant

JEANNETTE W. McBRIDE
C.C.P. & G.S.

2017 DEC 13 PM 4:25

RICHLAND COUNTY
FILED

This the 13th day of December, 2017.

Other Counsel of Record:

Assistant Solicitor Luck Campbell
Richland County Solicitor's Office
1701 Main Street
Columbia, SC 29201
(803) 576-1800

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Alison Renee Lee, Presiding Circuit Court Judge

Case Nos. 2017GS4000540

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State of South Carolina Respondent.

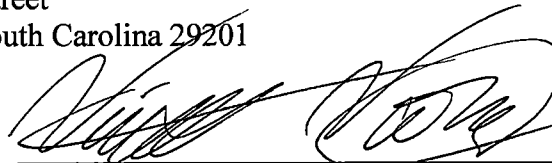
v.

Geordi Jerell HeywardAppellant.

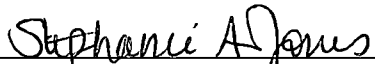
PROOF OF SERVICE

I, Vince Varano, with The Strom Law Firm, affirm that I served a copy of the following documents on the lower court, Richland County General Sessions, by hand-delivering the same to them on December 13, 2017, at the following addresses:

Documents: Clocked Notice of Appeal
Served: Richland County Clerk of Court
1701 Main Street
Columbia, South Carolina 29201


Vince Varano 12-14-17

Sworn to and subscribed before me
this 14th day of December, 2017


Notary Public for South Carolina
My Commission Expires: 5/2/26

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Alison Renee Lee, Presiding Circuit Court Judge

Case Nos. 2017GS4000540

State of South Carolina Respondent.

v.

Geordi Jerell Heyward Appellant.

PROOF OF SERVICE

I, Vince Varano, with The Strom Law Firm, affirm that I served a copy of the following documents on Assistant Solicitor Luck Campbell and the S.C. Attorney General's Office Criminal Appeals Division by hand-delivering the same to them on December 13, 2017, at the following addresses:

Documents: Notice of Appeal

Served: Assistant Solicitor Luck Campbell
Richland County Solicitor's Office
1701 Main Street
Columbia, SC 29201

S.C. Attorney General's Office
Criminal Appeals Division
1000 Assembly Street, Rm 519
Columbia, SC 29201

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DEC 13 2017
SC Court of Appeals

 12-13-17
Vince Varano

Sworn to and subscribed before me
this 13th day of December, 2017

Stephanie Adams
Notary Public for South Carolina
My Commission Expires: 5/2/26

J. P. STROM, JR. P.A.
MARIO A. PACELLA*
JOHN R. ALPHIN
BAKARI T. SELLERS
JESSICA L. FICKLING
ALEXANDRA BENEVENTO
AMY E. WILLBANKS*

* ALSO ADMITTED IN GA AND N.Y.
° OF COUNSEL

STROM
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BRUNSWICK, GEORGIA

PHONE: 803-252-4800
FAX: 803-252-4801
TOLL FREE: 888.490.2847
WWW.STROMLAW.COM

December 19, 2017

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DEC 20 2017

SC Court of Appeals

S.C. Court of Appeals
Attn: Clerk of Court
1220 Senate Street
Columbia, South Carolina 29201

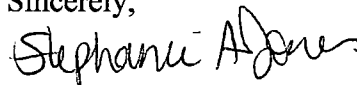
Re: State vs. Geordi Jerell Heyward
Case No.: 2017GS4000540
Notice of Appeal

Dear Sir/Madam:

Please find enclosed the original and one (1) copy of the Proof of Service illustrating the Notice of Appeal and supporting documents were served on the lower court in the above referenced matter. I have also enclosed a copy of the Notice of Appeal that was clocked in the lower court on the date of service. It would be greatly appreciated if you could file the copy of the Proof of Service in accordance with your normal procedure and return the copy to the office in the enclosed self-addressed stamped envelope.

Thank you in advance for your attention and cooperation in this matter. Should you have any questions or concerns regarding this matter please feel free to contact our office.

Sincerely,



Stephanie A. Jones
Paralegal to Bakari T. Sellers

SJ/

Enclosures

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 Jerell 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.

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DEC 13 2017

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS.
Geordi Jerell Heyward
AKA:
Race: BLACK Sex: Age:
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

INDICTMENT/CASE#: 2017GS4000540
A/W#: DP17013
Date of Offense: 6/27/2016
S.C. Code § : 16-03-0655(B)(2)
CDR Code #: 0397

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SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO: Sex / Criminal sexual conduct with minor, or Attempt - victim under 16 years of age - Second degree

in violation of § 16-03-0655(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0397
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45 w/minor 1st or Lewd Act

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Nicole M. Sampson SC Bar# 77500 Defendant
Attorney for Defendant SC Bar# 79714

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 15 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 Services 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. 18 days

The Defendant is to be placed on the 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
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 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/Probation) \$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 \$

PTUP days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other: Register Fee 0-110000

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Jeanette McBride
Court Reporter: Harris

Presiding Judge Al Shae Lee
Judge Code: 211B
Sentence Date: October 12, 2017

CERTIFIED TRUE COPY OF ORIGINAL FILED
Richland County South Carolina