

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM MARLBORO COUNTY
General Sessions Court

Roger E. Henderson, Circuit Court Judge

Case Number: 2017-GS-34-191
Appellate Case Number: 2018-000085

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FEB 27 2018
SC Court of Appeals

The State Respondent,

versus

Theodore Glover Defendant,

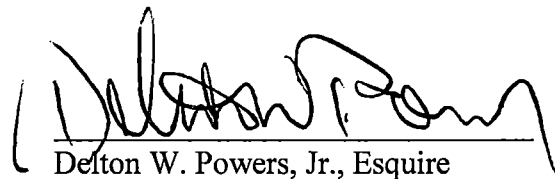
STATEMENT PURSUANT TO RULE 203(d)(1)(B)(iv)

Appellant Theodore Glover entered an *Alford* plea to the charge of Criminal Sexual Conduct- 1st Degree on December 12, 2017. The undersigned counsel, along with co-counsel T. Kirk Truslow of the Horry County Bar, represented the Appellant throughout the plea. At the time of the plea, counsel presented to the Court a properly executed plea affidavit; said affidavit was also signed by counsel, indicating that counsel believed the Appellant was fully aware of what he was doing. After the plea, the Appellant wanted to go back before Judge Henderson and recant that he knew the ramifications of what he was doing or what an *Alford* plea entailed. He indicated that he believed that even after entering an *Alford* plea, the case would be tried before a jury. Since both counsel had signed and certified the plea affidavit, a conflict then existed for counsel to argue on his behalf that the Appellant did not understand what he was doing in entering an *Alford* plea.

Judge Henderson agreed to hear the Appellant's Motion for Reconsideration, but prior to hearing the same, relieved both attorneys as counsel by finding that there would be a conflict in continued representation. The Court then questioned the Appellant about going forward pro sé for his Motion for Reconsideration, and the Appellant agreed on the record to do so. The Court heard his Motion, as well as a Motion from the Solicitor to increase the sentence, and the Court issued its Order denying both. The undersigned and Attorney Truslow were not the Appellant's counsel for that hearing, but forwarded everything available to Indigent Defense to protect the right to an appeal and pursuant to State v. Thrift, 378 S.C. 70, 661 S.E.2d 373 (2008), Weathers v. White, 319 S.C. 59, 459 S.E.2d 838 (1995), and In re Anonymous Member of the Bar, 303 S.C. 306, 400 S.E.2d 483 (1991).

Counsel, having certified the plea affidavit, cannot ethically argue against our own statements. Because of such, as well as having no involvement in the Appellant's Motion for Reconsideration, the undersigned is not in a position to state anything in support of Appellant's appeal. At the time *Alford* plea was entered, counsel knows of no legal issue that can be reviewed on direct appeal, but cannot speak as to the Appellant's state of mind or as to any issues that evolved during the Motion for Reconsideration.

February 26, 2018



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Other counsel of record:
T. Kirk Truslow
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CERTIFICATE of MAILING

I, the undersigned Administrative Assistant of the law office of Delton W. Powers, Jr., do hereby certify that I have caused a copy of the below mentioned document(s) to be served upon the following parties by depositing the same in the United States mail, postage prepaid and return address visible, on this 26th day of February, 2018.

DOCUMENTS SERVED: Statement Pursuant to Rule 203(d)(1)(B)(iv)

PARTIES SERVED: Robert Michael Dudek, Esquire
SC Commission on Indigent Defense
Post Office Box 11589
Columbia, South Carolina 29211

Alan McCrory Wilson, Esquire
SC Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211

John Benjamin Aplin, Esquire
SC Attorney General's Office
Post Office Box 11549
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T. Kirk Truslow, Esquire
Post Office Box 238
North Myrtle Beach, South Carolina 29597

Theodore Glover, SCDC #00374845
HAA-0061-A
Allendale Correctional Institution
Post Office Box 1151
Fairfax, South Carolina 29827


Chastity M. Rummage

February 26, 2018



Powers Law Firm

February 26, 2018

Jenny Abbot Kitchings, Esquire
Clerk, South Carolina Court of Appeals
1015 Sumter Street- 5th Floor
Columbia, South Carolina 29201

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RE: The State v. Theodore Glover
Appellate Case Number: 2018-000085

Dear Madame Clerk:

Pursuant to your request, enclosed please find my guilty plea explanation in accordance with Rule 203(d)(1)(B)(iv), SCACR.

I am, by copy of this letter to counsel of record and the Appellant, serving each with a copy of said explanation.

With kind regards, I am,

Yours truly,


Delton W. Powers, Jr.

DWP,JR/cmr

cc: Theodore Glover, 374845
T. Kirk Truslow, Esquire
Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire



Powers Law Firm

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Bennettsville, South Carolina 29512

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