

STATE OF SOUTH CAROLINA)
)
)
STATE OF SOUTH CAROLINA,)
)
)
VS.)
)
FRANCISCO ORTIZ AGUIRRE)
Defendant.)

IN THE COURT OF APPEALS
CASE NO. 2020-000992

AFFIDAVIT OF MELISSA DUQUE

RECEIVED

Jul 27 2020

SC Court of Appeals

NOW COME, Melissa Duque, who being duly sworn, does hereby attest to the following facts in the above-captioned matter:

1. I was appointed by the Clerk of Court to handle the above referenced matter for Francisco Saul Ortiz Aguirre. This appeal is part of a guilty plea on May 18, 2020.
2. I am an Assistant Public Defender for Beaufort County Public Defender’s Office.
3. I am filing this appeal upon the request of my client, Francisco Saul Ortiz Aguirre.
4. I am not aware of any reviewable appellate issues as a result of this plea. However, at the request of appellant, I am filing this appeal. Mr. Ortiz Aguirre’s concern is that he pled to three counts of Burglary 2nd Degree (Non-Violent); four counts of Forgery, value \$10,000 or less; one count of Petit Larceny after receiving presentment to the Grand Jury.
5. Furthermore, Mr. Ortiz Aguirre feels that though the sentences imposed were between range, the sentences were unduly harsh and excessive for a first time criminal offender who does not have a prior criminal record, and in this factual scenario, he should have not received the maximum sentence of (10) ten years for each of the three Burglary charges, (5) five years for each of the four Forgery charges, and (30) days on the Petit Larceny charge.
6. I further certify that a copy of this affidavit has served via U.S. Mail on the following:

Samuel Marion Bailey, Esq.
Assistant Solicitor
14th Circuit Solicitor's Office
Post Office Box 1880
Bluffton, South Carolina 29910
Email: sbailey@scsolicitor14.org

Mary Jordan Lempesis, Esq.
First Solicitor
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Alan Wilson, Esq.
Attorney General
P.O. Box 11549
Columbia, SC 29211
Email: awilson@scag.gov

Francisco Ortiz Aguirre
SCDC No. 00383443
Trenton Correctional
84 Greenhouse Road
Trenton, SC 29847

s/ Melissa Duque
Assistant Public Defender
14th Circuit Public Defender's Office
Post Office Box 525
Beaufort, South Carolina 29901

Office of the Public Defender
Fourteenth Judicial Circuit
Stephanie Smart-Gittings, Circuit Defender

BEAUFORT COUNTY

Human Services Building
1905 Duke Street, Room 210
Post Office Box 525
Beaufort, SC 29902
(843) 255-5805 (Phone)

ALLENDALE, HAMPTON & JASPER COUNTIES

1 Courthouse Square
80 Elm Street, Room 133
Post Office Box 506
Hampton, SC 29924
(803) 914-2240 (Phone)

COLLETON COUNTY

319 N. Lucas Street
Walterboro, SC 29488
(843) 549-1633 (Phone)
(843) 549-9543 (Fax)

July 27, 2020

V. Claire Allen, Deputy
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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Jul 27 2020

SC Court of Appeals

Re: The State v. Francisco Ortiz-Aguirre
Appellate Case No.: 2020-000992

Dear Deputy Clerk Allen:

I am in receipt of your letter dated July 20, 2020 regarding South Carolina Appellate Court Rules (SCACR) requiring 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 and the requirement that "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). If an issue was not raised to and ruled on by the lower court, the explanation shall include argument and citation to legal authority showing how this issue can be reviewed on appeal."

I am enclosing my affidavit regarding this matter addressing Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules.

If you have any further questions or need any additional information, then please do not hesitate to contact me. Thank you for your time and attention to this matter.

Sincerely,

M. Duque

Melissa Duque
Assistant Public Defender

cc: Alan McCrory Wilson, Esquire
William M. Blitch, Esquire
Samuel Marion Bailey, Esquire
Mary Jordan Lempesis, Esquire
Robert Michael Dudek, Esquire
Mr. Francisco Ortiz-Aguirre, SCDC No. 00383443, Trenton Correctional

FAX

To: SC Court of Appeals
Company:
Fax: 918037341839
Phone:

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Jul 27 2020

SC Court of Appeals

From: Beaufort County
Fax:
Phone: 55806
E-mail: ccompton@bcgov.net

NOTES:

Please see attached.

Thank you.

Christy Estrada
843-255-5806