

THE STATE OF SOUTH CAROLINA
In the Appellate Court

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AUG 13 2020

APPEAL FROM GREENVILLE COUNTY SC Court of Appeals
Court of General Sessions

Edward W. Miller, Circuit Court Judge

Case No(s): 2017GS2301633; 2020GS2302254;
2016A2310800286; 2016A2310800273

The State,

Respondent.

v.

David Dwyer Cockrell,

Appellant.

R.203 EXPLANATION OF ISSUE

Pursuant to R. 203 of the South Carolina Appellate Court Rules, when appealing a guilty plea, a written explanation showing that there is an issue which can be reviewed on appeal is required.

David Dwyer Cockrell entered a guilty plea to two counts of uttering a fraudulent check on April 9, 2020, and the Honorable Letitia Verdin sentenced him to two years suspended to sixteen days' time served and three years' probation, with a restitution hearing to be held within ninety days. A contested restitution hearing was held on July 23, 2020, after which the Honorable Edward W. Miller ordered Mr. Cockrell to pay all restitution requested by the State in the amount of \$10,060.00. Mr. Cockrell appeals the circuit court's order of restitution.

Mr. Cockrell submits the circuit court erred in ordering the restitution requested by the solicitor because the criminal act committed by Mr. Cockrell did not result in the \$10,000 loss to the victim. Mr. Cockrell owed Corbin Court LLC (the landlord) \$10,000 in past due rent. Mr. Cockrell wrote two fraudulent checks in the amount of \$5,000 each to pay the rent owed to the landlord. The landlord was charged a \$60 fee when he attempted to cash the fraudulent checks.

At the contested restitution hearing held on July 23, 2020, Mr. Cockrell argued that the \$60 loss was a result of the crime committed and would be the only appropriately ordered restitution as a condition of his sentence. Mr. Cockrell argued to the circuit court that, pursuant to section 17-25-322 of the South Carolina Code, the \$10,000 debt was not a result of the crime and should not be added to the restitution owed. The circuit court granted the State's request and ordered \$10,060.00 in restitution as a condition of Mr. Cockrell's sentence. There are preserved, appealable issues from the contested restitution hearing.

Date: August 10, 2020

A handwritten signature in black ink, appearing to read "Demi L. Messer", written over a horizontal line.

Demi L. Messer, Esq.
305 East North Street, Suite 123
Greenville, SC 29601
Attorney for Appellant

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APPEAL FROM GREENVILLE COUNTY
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Case No(s): 2017GS2301633; 2020GS2302254;
2016A2310800286; 2016A2310800273

Appellate Case No.: 2020-001070

The State,

Respondent.

v.

David Dwyer Cockrell,

Appellant.

PROOF OF SERVICE

I certify that I have served the R.203 Explanation of Issue on the below listed respondents by depositing a copy of it in the United States Mail, postage prepaid, on August 10, 2020, addressed to:

Sylvia Harrison, Esq.
Assistant Solicitor
13th Circuit Solicitor's Office
305 E. North Street, Suite 325
Greenville, SC 29601

Alan Wilson, Esq.
Attorney General
P.O. Box 11549
Columbia, SC 29211

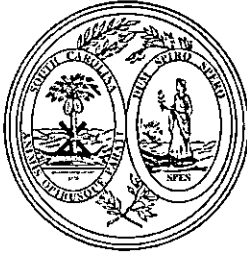
Date: August 10, 2020



Demi L. Messer, Esq.
305 East North Street, Suite 123
Greenville, SC 29601
Attorney for Appellant

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13TH JUDICIAL CIRCUIT COURT of Appeals
PUBLIC DEFENDER

CHRISTOPHER D. SCALZO, CIRCUIT PUBLIC DEFENDER

Greenville County
Public Defender Office
Greenville County Courthouse
305 East North Street, Suite 123
Greenville, SC 29601
Tel. (864) 467-8522
Fax. (864) 467-8521

Pickens County
Public Defender Office
Pickens County Courthouse
214 East Main Street, B-240
Pickens, South Carolina 29671
Tel. (864) 898-5577
Fax (864) 898-5579

August 10, 2020

Via Regular Mail

The Honorable Jenny Abbott Kitchings
Clerk, The S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: State v. David Dwyer Cockrell

Case No(s): 2017GS2301633; 2020GS2302254; 2016A2310800286;
2016A2310800273

Appellate Case No.: 2020-001070

Dear Ms. Kitchings:

Enclosed you will find the R.203 Explanation of Issue in the above matter along with Proof of Service upon the Respondents.

Thank you for your attention to this matter.

Yours very truly,

GREENVILLE COUNTY PUBLIC DEFENDER

By: *Demi L. Messer*
Demi L. Messer, Esq.
305 East North Street, Suite 123
Greenville, SC 29601
Attorney for Appellant

Enclosure

cc: Office of the Thirteenth Circuit Solicitor

Office of the Attorney General
Office of Appellate Defense

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13th Circuit Public Defender

Greenville County Courthouse
305 E. North Street, Suite 123
Greenville, SC 29601

D. Messer

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, The S.C. Court of Appeals
P.O. Box 11029
Columbia, SC. 29211