

RECEIVED

Apr 21 2021

SC Court of Appeals



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

April 21, 2021

The Honorable V. Claire Allen
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: The State v. George R. Leach, Appellate Case No. 2020-001579
Rule 203(d)(1)(B)(iv), SCACR Guilty Plea Explanation

Dear Ms. Allen:

Please accept this letter as the Rule 203(d)(1)(B)(iv), SCACR guilty plea explanation in the above-referenced case. I understand appellant, George Leach, has submitted his guilty plea explanation to this Court. In that explanation he stated that he made a motion to withdraw his guilty plea, which was denied by the guilty plea judge, the Honorable Daniel Hall. On Thursday, April 15, 2021, I spoke with Mr. Leach's former attorney, Mark McKinnon. Mr. McKinnon was present during the guilty plea proceeding in Chester county, where Mr. Leach apparently waived venue on a charge or charges which originated from another county other than Chester County. Although Mr. Leach represented himself, Counsel McKinnon was present for the guilty plea proceeding. I was informed by Counsel McKinnon that Mr. Leach did move to withdraw his guilty plea or used language that was reasonably be construed as a motion to withdraw his guilty plea. That motion to withdraw the guilty plea was indeed denied by Judge Hall.

In my opinion, that constitutes a preserved appellate issue for appeal, which should allow this appeal to proceed. Since I was not present for the guilty plea, and I obviously have not read a transcript of the guilty plea, I can offer no opinion as to any prejudice suffered by Mr. Leach as a result of the denial of his motion. Regardless, that does appear to be a preserved appellate issue that exists in the above-captioned appeal. If additional information is desired, please do not hesitate to contact me.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD/hek

cc: George Robert Leach, Jr., #271937
Mark McKinnon, Esquire