

STATE OF SOUTH CAROLINA **FILED** THE COURT OF GENERAL SESSIONS
COUNTY OF BERKELEY JUN 22 2021 NINTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA CASE NO. LEAH GUERRY DUPRE **ORDER DENYING DEFENDANT'S**
CLERK OF COURT **MOTIONS TO WITHDRAW GUILTY PLEA**
BERKELEY COUNTY

vs.

GEORGE RILEY DREHER,

DEFENDANT.

Arrest Warrant #2020A0810200389
Arrest Warrant #2020A0810600014

Indictment #2020-GS-08-02020
Indictment #2020-GS-08-02022

SC Court of Appeals

JUL 12 2021

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THIS MATTER CAME BEFORE THE COURT on June 17, 2021, for hearing on the Defendant's two separately filed Motions to Withdraw Guilty Plea. After hearing from the attorney for the Defendant, as well as the Assistant Solicitor on behalf of the State, the Court has determined that the Defendant's two separately filed Motions to Withdraw Guilty Plea should be denied.

The Court has fully considered the facts of this case, the two Motions of the Defendant, and the Response and Memorandum in Opposition filed by the State. Further, the Court has fully considered the transcripts of the two prior plea hearings in this matter, the first on February 18, 2021 when the Defendant's guilty plea was not completed, and then on April 12, 2021 when the Defendant's guilty plea was completed, accepted by the Court, and the Defendant was sentenced. The Court has also considered the alleged after-discovered evidence submitted by the Defendant as attached to the second filed Motion to Withdraw Guilty Plea, specifically the affidavit of Brandon M. Swain. In doing so, the Court has specifically considered the factors relevant to a Rule 29(b) motion for new trial on the basis of after-discovered evidence, to wit: whether the movant has shown that the alleged after-discovered evidence "(1) is such as will probably change the result if a new trial is granted; (2) has been discovered since the trial; (3) could not have been discovered before the trial by the exercise of due diligence; (4) is material to the issue; and (5) is not merely cumulative or

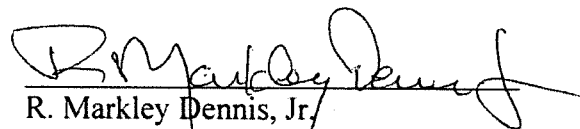
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impeaching.” *State v. Harris*, 391 S.C. 539, 544-545, 706 S.E.2d. 526, 529 (Ct. App. 2011), citing *State v. Spann*, 334 S.C. 618, 619–20, 513 S.E.2d 98, 99 (1999).

Having considered all of the forgoing, this Court hereby finds that the Defendant was fully competent and of sound mind when he entered his guilty plea on April 12, 2021, and that guilty plea was freely, voluntarily, knowingly, and intelligently entered and accepted by the Court. The Court further finds that the Defendant has failed to prove the above listed five factors required for granting a new trial on the basis of after-discovered evidence. Specifically, the evidence submitted is not after-discovered evidence, as it was clearly known to the Defendant prior to the guilty plea on April 12, 2021. The contents of the alleged after-discovered affidavit were expressly discussed by the Defendant with the Court on February 18, 2021. For the foregoing reasons, the Defendant’s Motions are denied.

THEREFORE, IT IS HEREBY ORDERED, that the Defendant’s two separately filed Motions to Withdraw Guilty Plea are hereby DENIED.

IT IS SO ORDERED.


R. Markley Dennis, Jr.
PRESIDING JUDGE
NINTH JUDICIAL CIRCUIT

Dated: June 22, 2021
Moncks Corner, South Carolina

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BERKELEY)
)
 STATE OF SOUTH CAROLINA,)
)
 Plaintiff)
)
 VS.)
)
 GEORGE RILEY DREHER,)
)
 Defendant)
 _____)

IN THE GENERAL SESSIONS COURT
 NINTH JUDICIAL CIRCUIT
 CASE NO: 2020GS0802021

**MOTION TO WITHDRAW GUILTY PLEA
 BASED ON AFTER DISCOVERED
 EVIDENCE**

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JUL 12 2021

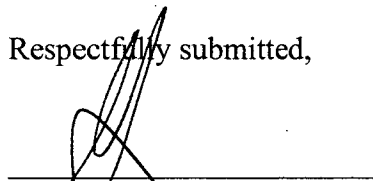
SC Court of Appeals

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 CLERK OF COURT
 BERKELEY COUNTY, SC
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COMES NOW THE DEFENDANT, who by and through his undersigned attorney, does hereby move to withdraw his guilty plea entered on April 12, 2021 based on the statement recently provided indicating that a third party is responsible for the injury to the victim in the Assault and Battery of a High and Aggravated Nature charge. The plea was not voluntarily made because it was entered into before this evidence was obtained in his case.

The Defendant moves this court to allow him to withdraw his guilty plea based on after-discovered evidence.

Respectfully submitted,



 Melissa W. Gay, Esquire
 MELISA W. GAY, LLC
 Attorney for the GEORGE RILEY DREHER
 222 West Coleman Blvd., Suite 208
 Mt. Pleasant, SC 29464
 Ph: (843) 388-7907
 Fax: (843) 416-8379

Moncks Corner, South Carolina
 Dated: April 20, 2021

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

AFFIDAVIT OF BRANDON M. SWAIN
Case Number: 2020A081600014

I, Brandon Swain, 22 years of age, resident of Berkeley County, South Carolina, do hereby swear that:

I was riding in the SUV driven by George (Lee) Dreher on Friday, April 10, 2020. Seconds before the accident I jerked the steering wheel while sitting in the passenger's seat.

DATED this 17 day of April, 2021.

Brandon M. Swain
Brandon Swain
Address: 304 Adeline Dr, Goose Creek, SC 29445

SWORN to before me on this 17th
Day of April, 2021.

Russell Henderson (SEAL)
Notary Public for South Carolina
My Commission Expires: 05/12/2021

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LEAH GUERRY-DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

STATE OF SOUTH CAROLINA) IN THE GENERAL SESSIONS COURT
COUNTY OF BERKELEY) NINTH JUDICIAL CIRCUIT
CASE NO: 2020GS0802021

FILED

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LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

STATE OF SOUTH CAROLINA)
Plaintiff)
VS.)
GEORGE RILEY DREHER,)
Defendant)
_____)

MOTION TO WITHDRAW GUILTY PLEA

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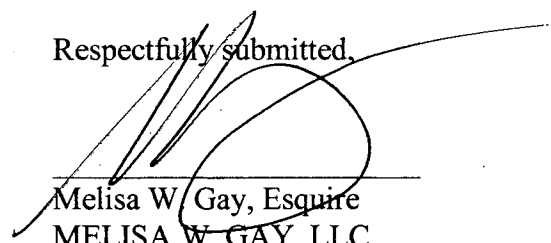
JUL 12 2021

SC Court of Appeals

COMES NOW THE DEFENDANT, who by and through his undersigned attorney, does hereby move to withdraw his guilty plea entered on April 12, 2021. The Defendant asserts that he was not fully mentally sound at the time of his plea, therefore the plea process was not voluntarily entered in to.

The Defendant moves this court to allow him to withdraw his guilty plea and pursue this charge at a trial.

Respectfully submitted,



Melisa W. Gay, Esquire
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Moncks Corner, South Carolina
Dated: April 16, 2021