

J. Christopher Shipman
Sumter County Public Defender
141 North Main Street, Rm #102
Sumter, SC 29150
803-436-2424

April 17, 2013

RECORDED
2013 APR 17 AM 11:42
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

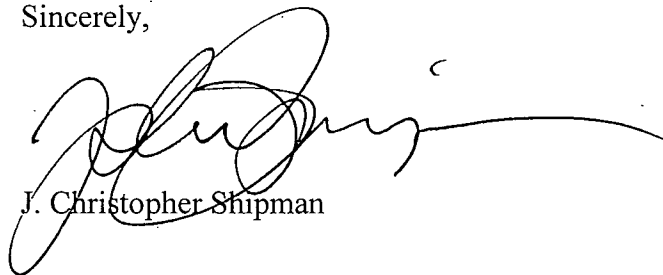
V. Claire Allen
Deputy Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: State v. Matthew Demond Gallishaw, Appellate Case No. 2013-000641

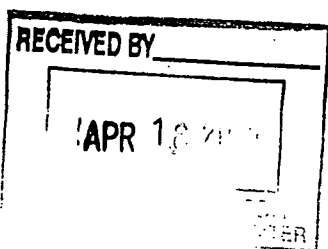
Dear Ms. Allen:

The primary issue on appeal is whether Mr. Gallishaw entered his plea knowingly, intelligently, and voluntarily. See *Boykin v. Alabama*, 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969). A psychiatrist, Richard L. Frierson, M.D., noted in a 2004 DMH evaluation that Mr. Gallishaw has a history of mental retardation. I believe this is a factor which could have hindered his understanding of entering an *Alford* plea. Furthermore, Mr. Gallishaw has stated to me that he was under the impression that the mere act of pleading under *Alford* meant that he would be sentenced to a lesser-included offense and not the offense charged. If this is so, Mr. Gallishaw did not have a full understanding of the charges against him and the consequences of the plea and could not have pleaded knowingly, intelligently, and voluntarily. See *State v. Rikard*, 371 S.C. 295, 300, 638 S.E.2d 72, 75 (Ct.App.2006).

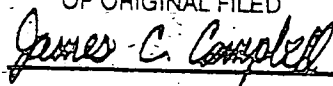
Sincerely,



J. Christopher Shipman



RECEIVED
APR 23 2013
SC Court of Appeals

CERTIFIED TRUE COPY
OF ORIGINAL FILED

CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

WITNESSES

SCSO

Inv. W. Dubose

ARREST WARRANT NUMBER

J292688

D/A: 04/04/08

ACTION OF GRAND JURY

True Bill

- William Souler

Foreperson of Grand Jury

Date: *9/11/08*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2008-GS-43-*1028*

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2008

THE STATE

vs.

MATTHEW D. GALLISHAW *(APW)*

Indictment for

DISTRIBUTION OF COCAINE BASE

C. KELLY JACKSON, SOLICITOR

RECEIVED

APR 23 2013

SC COURT OF APPEALS