

SC APPELLATE
LAW GROUP, LLC

November 12, 2021

RECEIVED

Jan 18 2022

S.C. SUPREME COURT

Gregory Daniels, SCDC 297449
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010

Dear Mr. Daniels,

I hope you're doing well. I have had time to review your case. First of all, I think Tricia did a really great job. I think she should have won the case, but clearly the Supreme Court Justices did not agree. There is a procedural problem in your case, though, that I think likely means I'm not going to be able to help you out. When reviewing your case initially, I believed you had filed a motion for a new trial based on newly-discovered evidence under Rule 29(b). You actually filed for a new trial under section (a) of that statute, which does not involve newly-discovered evidence. Given that you filed for just a new trial, it appears that Judge Brown's opinion is actually correct—you filed it 11 years too late.

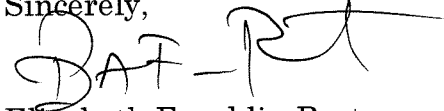
So then I started looking at your specific allegations. The one that has the best chance of winning is the claim about the proffer agreement. But then I see that the proffer agreement was disclosed during the trial itself, so that's not newly-discovered evidence either.

The only pathways to get you back in court are going to be (1) newly-discovered evidence (that is, evidence that you just found out about having exercised due diligence), or (2) a factual innocence claim. And a factual innocence claim is going to take additional investigation. They're very difficult to win, and we can't make the required showing with the record in this case.

I'm really very, very sorry. When we spoke I believed you had filed a 29(b) motion and that there was evidence that you had discovered since the trial that you wanted to introduce. Now, having looked more closely, that's not the case. It's very important to me that I be completely honest with my clients, and I won't take money from people when I know there's no way I can win a case. Unfortunately this is where we're at right now. If, however, you do find some additional evidence, I will be more than happy to help you get back into court.

I'm going to have my paralegal reach out to your mother and let her know. We'll be refunding the fee she has paid in this case. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'EAF-BE', with a long horizontal flourish extending to the right.

Elizabeth Franklin-Best