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May 16 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of General Sessions

The Honorable DeAndrea G. Benjamin

Appellate Case No. 2022-000391
Trial Court Case No. 2019-GS-21-01122

The State, Respondent,

v.

Stephen Wayne Britt, Appellant.

APPELLANT'S MOTION TO REINSTATE

Pursuant to Rule 221, SCACR, Stephen Wayne Britt (Appellant), by and through undersigned counsel, asks this Court to reinstate appellate case 2022-000391, originally dismissed on May 12, 2022, for failure to forward the guilty plea explanation to Appellant.

STATEMENT OF FACTS

On March 17, 2022, Appellant pled guilty to felony driving under the influence, resulting in great bodily injury. The Honorable DeAndrea G. Benjamin sentenced Appellant to a term of incarceration of ten years provided upon the service of eight years, the balance suspended with probation for three years. Upon Appellant's request, counsel for Appellant filed a Notice of Intent

to Appeal on March 24, 2022. In the Notice of Intent to Appeal, Appellant stated there was no issue under Rule 203 (d)(1)(B)(IV), SCACR, as a basis for the appeal.

On May 12, 2022, Appellant's counsel received an order dismissing the matter for counsel's failure to forward the guilty plea explanation to Appellant. It appears that this Court emailed a letter to Appellant's counsel, dated April 4, 2022, instructing counsel to forward her explanation for appealing to Appellant. Appellant's counsel asserts she never received that letter from this Court. Upon receiving the Order dismissing this matter, Appellant's counsel immediately called this Court and spoke with Ms. Denesha Staley. Appellant's counsel confirmed her email address with Ms. Staley; counsel represents that she cannot locate that letter from this Court in her emails. Appellant's counsel believes she could have accidentally deleted this Court's email; otherwise, counsel would have forwarded this Court's explanation to Appellant in a timely manner as instructed by this Court. If this Court grants this Motion, counsel asks this Court to resend the April 4th letter so that counsel can forward the guilty plea explanation to Appellant.

Appellant's counsel asks this Court to respectfully grant this Motion to Reinstate and allow counsel to forward the guilty plea explanation to Appellant.

CONCLUSION

Based upon the foregoing, Appellant requests that this Court enter an Order granting this Motion to Reinstate this Appeal and allow Appellant the opportunity to write this Court and argue any basis as to issues preserved for appeal in his guilty plea.

(Signature on the following page)

May 16, 2022

Sincerely,



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