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Jun 08 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Chester County
Honorable Daniel D. Hall, Circuit Court Judge
Appellate Case Tracking No. 2020-001579

The State,

Respondent,

vs.

George Robert Leach, Jr.,

Appellant.

MOTION TO HOLD APPEAL IN ABEYANCE

Respondent, through its undersigned counsel, would respectfully show unto this Court:

I.

Appellant pled guilty in York County to charges originating out of both York County and Chester County. At the plea, he was represented by counsel on the York charges but appeared pro se on the Chester charges. He entered the plea as a negotiated plea which addressed all charges out of both York and Chester. The negotiation was for eight years, suspended on an active sentence of four years, followed by two years' probation. The plea was being entered based on an admission of certain charges with other charges being dropped. After the trial court accepted the factual basis and Appellant's plea, he was informed the sentence on the York charges could not be structured the same as the negotiation. Appellant's convictions and sentences on the Chester charges were entered as originally expected and run concurrent to the sentences in York. However, the York sentences were set forth: 1) possession of heroin he received five years, suspended to the service of four years and probation for two years; and 2) failure to stop for a blue light he received four

years, suspended to two years' probation to run consecutive to the possession of heroin York County sentence. Appellant indicated his desire to withdraw his plea.

II.

Appellant served and filed a pro se Notice of Appeal related to his Chester convictions and sentences. His counsel filed a Notice of Appeal on the York charges. Ultimately, the appeal of the York charges was dismissed on December 20, 2020, for failing to provide a sufficient guilty plea explanation under Rule 203(d)(1)(B)(iv), SCACR. However, his direct appeal of the Chester charges and sentences was allowed to continue.

Subsequent to the dismissal of the appeal related to the York County charges, Appellant filed an application for Post-Conviction Relief on or about March 29, 2021. His PCR is still pending at the circuit court.

III.

The State seeks to reach out to all counsel related to both the Chester appeal and the York PCR, including trial counsel, appellate counsel, and PCR counsel, to discuss the possibility of reaching a resolution on all the outstanding actions whether by agreement or through an action for a Writ of Certiorari in the Original Jurisdiction of the South Carolina Supreme Court to consolidate and consider the actions at one time. The State has not been able to get in touch with all counsel to have the relevant discussions. As a result, the State asks this Court to hold the appeal in abeyance to allow all parties to discuss whether to continue with the current PCR and appeal or whether to reach a resolution which may require an original writ.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until a resolution on how to proceed has been reached with all relevant parties.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General



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ATTORNEYS FOR RESPONDENT

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PROOF OF SERVICE

I, Caroline Collins, certify that I have served the Motion to Hold Appeal in Abeyance on Appellant by email to Appellant's counsel of record, Victor R. Seeger, at the email address provided by the Attorney Information System (AIS).

I further certify that all parties required by Rule to be served have been served.

This 8th day of June, 2022.



CAROLINE COLLINS
Administrative Coordinator
Office of Attorney General
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Columbia, South Carolina 29211
(803) 734-3727

Caroline Collins

From: Caroline Collins
Sent: Wednesday, June 8, 2022 4:22 PM
To: Seeger, Victor
Cc: Stock, Chris; William Blich
Subject: The State v. George Robert Leach (2020-001579)
Attachments: LEACH George - Motion to Hold Appeal in Abeyance - 2020-001579 (03003350xD2C78).PDF

Good Afternoon Mr. Seeger,

Attached please find a Motion to Hold Appeal in Abeyance in The State v. George Robert Leach (2020-001579). This motion will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System.

If you will, please reply to confirm receipt of this email.

Thank you!

CAROLINE COLLINS, Administrative Coordinator
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