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September 4, 2015

Randall McCants
AIS: 00297856
104 Bullock Drive
Union Springs, AL 36089

My name is Kyle Henderson. I am the attorney who was appointed to review the show cause order by the court. I have reviewed the show cause order and find that the motion to withdraw your guilty plea was not filed within thirty (30) days of your guilty plea and that you failed to file an appeal within forty-two (42) days from the date of your plea.

I have thoroughly reviewed the transcript and have provided you a copy of the plea transcript along with the motion that I filed regarding the court's show cause order. I have also attached orders from the court. I am sorry that I was unable to get the appeal you desperately wanted. I would suggest that if you decide to look at other avenues then you look at filing a rule thirty-two (32) with the court.

Cordially yours,

/s/ Kyle J. Henderson



Kyle J. Henderson

10-23-15

IN THE ALABAMA COURT OF CRIMINAL APPEALS
NUMBER CR-14-0901

RANDALL HOWARD MCCANTS

APPELLANT,

V.

STATE OF ALABAMA

APPELLEE.

ON APPEAL FROM THE CIRCUIT COURT OF TUSCALOOSA COUNTY
CASE NOS. CC-11-1153.00

RESPONSE TO SHOW CAUSE ORDER

COMES NOW, the Defendant by and through his undersigned counsel and files this Response to this Court's Show Cause Order dated the 1st day of May 2015 the following in support:

1. Mr. Randall McCants freely entered a plea of guilty to the above Circuit Court cases on January 5, 2015 and waived his right to appeal. (R. 2-11).

2. In *Williams v. State*, 854 So.2d 625 (Ala.Crim.App. 2003), a person has to file a motion to withdraw their

guilty plea within thirty (30) days of the date of sentence or specifically reserve certain issues for appeal.

3. Mr. McCants withdraw of his guilty plea was not filed until February 17, 2015. Forty-three (43) days after the guilty plea. SEE COURT EXHIBIT ONE. Exhibit One only includes the first page of the Defendant's Pro Se Motion to Withdraw Guilty Plea And For New Trial with a file stamp date of February 17, 2015.
4. Mr. McCants filed an appeal on April 1, 2015 this is eighty-six (86) days after he entered a plea of guilty. SEE COURT EXHIBIT TWO. Exhibit Two only includes the first page of the Defendant's Pro Se Notice of Appeal with a file stamp date of April 1, 2015.
5. Mr. McCants did not specifically preserve any issues for appeal when he entered into his plea of guilt. (R. 1-12).
6. Counsel for Mr. McCants has thoroughly reviewed the plea transcript and court record and does not find sufficient basis under *Williams v. State*, 854 So.2d 625

10-23-15

(Ala.Crim.App. 2003), to grant Mr. McCants's appeal.

7. WHEREFORE, based upon *Williams v. State*, 854 So.2d 625

(Ala.Crim.App. 2003) Mr. McCant's appeal should be

denied.

Respectfully Submitted:

/s/ Kyle J. Henderson

Kyle J. Henderson (HEN092)
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CERTIFICATE OF SERVICE

I, the undersigned do hereby certify that I have on this the 4th day of September 2015 served a copy of the foregoing pleading to the Alabama Attorney General's Office at docketroom@ago.state.al.us and the Appellant at Bullock Corrections Facility Randall McCants AIS 00297856 104 Bullock Drive Union Springs, AL 36089. Mr. McCants has also been given a copy of this plea paperwork along with his plea

transcript.

/s/ Kyle J. Henderson

Kyle J. Henderson