

South Carolina Court of Appeals
To Whom it May Concern:

6-10-2022

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JUN 15 2022

SC Court of Appeals

I just received a copy of the appeal filed by Mr. Breen Stevens with the instructions on sending a response within 20 days. Today is Friday June 10th 2022. I had to sign for the letter through Kirkland Reception and Evaluation's Legal Mail coordinator. At this time I am very limited in my access to communication and resources. I do not currently have my own copy of the discovery in my case but I will do my best to present the following reasons for my appeal.

1) I was promised leniency for accepting a plea. I was told that based off of the facts in my case such as: the heavy presence of drugs and alcohol in Jason Geiger's system, his history of violence and bullying, the presence of three deadly weapons including a loaded 12 gauge shotgun less than 24" from his body and my attorney Mr. Breen Stevens's personal experience with Judge Dickson that I could expect to receive (2-15.45) years at worst case as he even printed this time out in my mitigation package that he also gave to Judge Dickson.

2) I was never informed of the "change of venue" rules or rights. I was already in the middle of my hearing in the Orangeburg Courthouse when Judge Dickson brought this issue up and I did not fully understand what he was saying or what I was doing or agreeing to. My case is in fact a Calhoun County matter. I would also like to state that my transcript can prove this fact > May 13, 2022 approx 10:00am

3) I have mental health records that can verify I suffer from ADHD, ADD, PTSD, and extreme anxiety. I believe all of these issues and the fact that I was recently given a new medication for my PTSD (Buspar) did contribute to me agreeing to things I do not fully comprehend or understand.

4) The Alfred Plea was NOT properly explained to me nor did I understand it. There is DNA evidence that proves someone else went into Jason Geiger's pocket - (not me and not a relative of his) I told Breen Stevens that I did not feel comfortable pleading to an armed robbery at all because I was in fact innocent of such charges. The way Alfred vs. NC was explained to me was that it would NOT be an admittance of guilt from me. I was still encouraged to plea to a charge I consistently denied taking place. I was told I had to plea to the armed robbery charge just to get the murder charge dropped to a voluntary manslaughter charge.

5) There was no objection made when Tommy Scott made a statement before the court that was completely false. (I can elaborate further at a later time) I let Breen know when the comment was made and there still was no objection made - Tommy Scott is also the third solicitor to have my case. The first solicitor retired and my case was handed over to the man who took his place, Mr. Lucas. My case was then taken from Mr. Lucas for reasons undisclosed to me and given to Tommy Scott.

6) There were several facts that Breen and I discussed before this hearing that we agreed were very important and that he would present these facts to Judge Dickson in both verbal and written form. These important facts are as follows:

- A. Forensic reports confirm that Jason Geiger was the aggressor and also match my explanation of events as they unfolded.
- B. DNA evidence proves I was not the one who went in Jason Geiger's pocket but that someone else at the scene did for a fact.
- C. Jason Geiger had alcohol 0.041%, Methamphetamine 2300ug/L, and amphetamine 80ug/L all in his system.
- D. Jason Geiger had both a criminal history that proves him violent as well as a reputation in the community for this as well.

-The main fact being the forensic report proves me acting in self-defense and this was not stated to judge Dickson in either form

7) The first officer on the scene at 188 Jumper Station Road Swansea SC 29160 was David Lance Dukes and he knew myself and Jason Geiger very personally. He was friends with Mr. Geiger and his family and holds a grudge towards me from past disagreements that go back to our teenage years. This officer failed to submit a report of any kind and despite Mr. Breen Stevens filing several Brady motions to acquire his body-cam footage from the scene of Mr. Geiger's residence, it was never turned over to us at all and there are issues at the scene that make it imperative for me to have this footage. I would like to add that David Lance Dukes was also fired from Calhoun County shortly after this date. He was later hired by Orangeburg County Public Safety where he was fired also. This time was for assaulting a disabled Orangeburg man. This made the national news and the victim in that situation is represented by Justin Bamberg. Mr. Justin Bamberg filed the Freedom of Information Act and received Lance Dukes Body Cam footage directly. None of this was brought to Judge Dickson's attention.

8) With all of the evidence I have that supports my explanation of events I was ready and willing to go to trial. I had a trial date set for May 23, 2022. A week before I was scheduled to go to trial I was presented with the option of a plea deal and was led to believe that I would be getting a sentence between 2 - 15.45 years.

I was assured the low end for accepting a plea instead of putting the court through the strain of trial. I did not get what I was promised for accepting a plea.

9) I was also led to believe that I lost my right to get my case heard as self-defense and I do not believe this is true. (Prior to accepting plea)

10) I was told if I did not accept the plea offer that I would get life in prison.

11) After hearing those words it was impossible for me to think clearly or take the information being presented to me and understand or comprehend it. (Due to my disorders and the medications.) Due to the stress of the trial I was unable to sleep during the time of the hearing on May 13, 2020.

I am not fully aware of the complete authority of the South Carolina Court of Appeals but I would hope to see my sentence reduced to the range of 2-15.45 years as promised. If that is not possible I would like to see my ~~plea~~^{plea} go back and I would want my case placed on the very first available docket for trial. I would also like for the Appellate Court to file for the body-cam footage of David Lance Dukes from September 13, 2020 under the FREEDOM OF INFORMATION ACT or provide me with information on exactly how to do so myself. I also request that ^{the} Appellate Court please file a motion for a "Duncan hearing" on my behalf see Duncan v. North Carolina or provide me with information on how to do so myself.

I honestly believe I was misled and intimidated into accepting a plea offer. I believe my disorders themselves as well as the medication I was on also impaired my ability to fully understand and comprehend exactly what was going on. I was also promised a much lighter sentence in exchange for my guilty plea and it did not happen. I wish to withdraw my guilty pleas as an appeal was filed within 10 days on my behalf in accordance with South Carolina law and rules of criminal procedure.

I would also like to state again that I am just receiving my copy of the Appeal today June 10th 2022. I had to sign in order to get ~~his~~ letter so there is documentation proving I am just now receiving it. Due to the schedule of outgoing mail at Kirkland Rd & E this response will not be picked up for delivery until Monday June 13, 2022 which should still cover me under the 20 days given from the date of Mr. Stevens letter dated May 27, 2022.

I would like to thank you in advance for your thought and consideration into this matter.

June 10, 2022

Respectfully Submitted
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