

Pro Se Brief
Appellate Case No.
2021-001314

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JUN 24 2022

To The Court of Appeals, SC Court of Appeals

I recently recieved a letter from my Appellate Defender were she stated she found the courts with no merit. I do understand the appeal court only looks at errors of law. Defender did put in an argument that I agree with. I have an issue that I want to address as well. The issue is in my transcript on page #16 Line #8-12. The judge ask me do I believe that as the solicitor stated the facts behind this case that is the solicitor substantially correct? My answer was I have no true recollection of it, but seeing the discovery I believe that it is true. Line #13-14 The Judge told me I need to speak to my lawyer. My lawyer then told me to say true and yes to all of the judges questions in order for the judge to continue with my guilty plea. Then the judge goes on to say he does not care how I answer the question he just wants me to answer it truthfully. In my transcript on page #5 Line 1-4

the clerk solemnly swore me in were I had to swear to GOD that what I say will be the whole truth. My first answer on page #16 Line #11-12 was the truth! If the judge did not care how I answered the question then why did he stop me and tell me I need to speak to my lawyer? Why did he not just move on to asking the next question? Why did he allow me to change my answer? Because he could not continue with the answer I give him. I feel that he should have stopped accepting my guilty plea instead of making me change my answer. These next several issues may not be Appeal Court matters. I just wanted to bring them to the courts attention and to make sure they are documented. I had several issues with my lawyer Douglas Brannon, he did a very poor job representing me and he made several mistakes. I was not satisfied with his job during my court hearing. The first issue is counsel

did not investigate and present evidence that I had been suffering from major mental illness of manic depression and severe schizophrenia at the time of the murder. Counsel did say I was prescribed Risperidone which is used to treat schizophrenia. Counsel then told the judge that he had never seen a record were I was diagnosed with schizophrenia which should prove he did not investigate my medical records adequately because my medical records show were I have been diagnosed by several different psychiatrist with schizophrenia. Counsel never told the judge I had also been diagnosed with impulsive control disorder and explain how that affects a person. Because that would have helped prove and explain that I did not murder victim intentionally. Counsel also failed to prepare expert testimony about my mental condition as it existed at the time of the murder. I feel that

if these crucial medical records were brought to the courts attention and told thoroughly it would have helped explain to courts my mental state and inability to control my actions on date of murder. Counsel also failed to pursue and do investigation into an insanity defense before advising me to plead guilty. The next issue is my counsel never told me about a plea offer prior to sentencing. I was inside the court room and my court hearing was about to start when my counsel brought me an affidavit he had wrote up. I was in a rush to sign it because the judge had come in. My counsel quickly told me that it was only saying I agree to pleas. I found out after court when I was able to read it that it said way more than that. He wrote this trying to cover up his poor job and to conceal not being prepared for trial. In the affidavit it says the only offer made by state was forty five years. I did not

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know anything about the offer until after I was sentenced and was able to read affidavit. Counsel never verbally told me about the plea offer. He never brought me a written formal plea agreement form from the solicitor. Counsel even admits this during court. In my transcript page #23 line 23-25 Counsel said it was his job to negotiate a plea. And with that respect, he submitted to the courts that he had failed because this was a straight up plea. If I would have been offered forty five years I would have took that plea because I was scared to go to trial with counsel because he was not prepared. That is my next issue, my counsel was not prepared for trial. On a Wednesday Oct. 27, 2021 counsel came to visit me to tell me I was #1 for trial on Monday Nov, 1st, 2021 which was only two business days before trial. That meant we only had two days to prepare for trial because at this time counsel had never discussed with

me any defense strategies we could use. He never told me how trial works, what to expect, the questions they may ask, or how to answer the questions, etc. We had not been over anything and I am sure it takes more than two days to prepare for trial. Counsel had never told me or showed everything the state had against me. I had only seen one statement. I had wrote him several letters requesting a copy of my rule 5 Brady motion. Counsel told me that he would not give it to me because he was afraid an inmate would get it and use it against me. So I was not able to study my case for myself. I was scared to go to trial or make any other decisions like entering a guilty plea. In counsel's affidavit he admits to holding my motion of discovery from me. It says all discovery materials will be provided to my family after this plea takes place. It is not helpful after the plea. The other reason that made me feel counsel was not prepared for trial was my counsel

did not meet with me or consult with me but only a few times and very few minutes each time. Over an eighteen month period, the time he spent with me on phone and visits would not even add up to an hour. During these times he would only say things to scare me away from going to trial. He always repeated over and over if I go to trial I would lose and get life with no parole. Counsel would say we can not talk bad about the victim like when I would ask if he was going to bring it to courts attention that there was a lot of drug using going on. Counsel would say we can not call her names like drug addict. I was not asking him to call her names, I was just wanting him to state the facts. I would ask him to bring up certain facts that lead up to or provoked the murder. He would change the subject and he never wrote down any facts I told him. Counsel made me feel that he was not on my side and that he was not working for me. I truly

Felt like he was working with state and for the victim's family. Counsel told my mother one time that I was going to pay for what I did. What lawyer tells thier client that. There was definitely a conflict of interest between me and my counsel. I feel that our conflict came because he knew one of the victims family members or friends. Since counsel would never talk to me about what all would work in my favor, then I would bring up to him what I thought would get to the truth and help make a defense. Counsel never would listen to me and he never did one thing I ask him to do. He worked for me and was suppose to atleast look into what I said. Like I ask him to subpoena my neighbor because she witnessed and called police on a man that she seen run out my back door naked and he ran behind her out-building untill police came to escort him off. The neighbor knew I was at home when this

happened which means my victim was bringing men in our home while I was there asleep which would have provoked any normal person. I ask my Counsel to investigate and pull my victim's phone records because I had read text messages on the victims phone were she is telling someone about how she had been giving me drugs in my drink that I did not know about. She text them telling them how the drug knocked me out. She also had text saying how she was bringing men in and have sex with them while I was there asleep. Counsel could have got the phone records easy and that would show the courts I was provoked, how I was being treated, etc.. I ask counsel to get phone records and he never did. His excuse was it may prove she was cheating but that don't take away the fact that you killed her. If counsel would have proved I was provoked I would have been charged with a lesser charge of voluntary Manslaughter I feel that my counsel did not

want me to have a defense. My counsel coerced me to plead guilty to cover up and conceal his ineffective counsel.

Well I'm SORRY this brief was so long. I did not know exactly what the courts is looking for so I tried to cover everything. I tried to give details and facts to support each issue I had. I just want the courts to know that your time and consideration in this matter is greatly appreciated!!

Sincerely,

James Spencer

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