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SC Court of Appeals

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My name is David Jermaine Tate, I'm writing The Honorable Jenny Abbott Kitching concerning my issues about me filing for an appeal. I had three public defenders. The first one was Max which we never really discussed my case till I pressed the issue at a court sign in date after he came to me with the first offer. Then the next court date I had I found out I had a new public defender because Max had become a private attorney. Which was Jonathan Troast. Then the next following court date I show up and I'm patiently waiting for Troast. So then I decide to reach out to him. He then calls me and proceeds to tell me that he's running late (which I didn't mind, I just wanted to know was he coming or was I to show up another day) he's at the jailhouse seeing a client. Which he was clearly lying cause I could hear kids in the background. So the next time we talked I asked him about some things in my case and to see was certain things possible. He responds that they wasn't possible and he had already tried in advance. So then I asked him, how was I suppose to believe that when lied to me about being at the jailhouse seeing a client. Then he proceeds to blow up at me saying "Me being at the house doing something for my daughter was none of your damn business!" and I simply responded "You're absolutely correct, a simple I'm running late would've been understandable and true". Then he apoligizes for blowing up at me. So then I stated and asked him "My freedom relys on you, how I'm suppose to trust that you have my best intrest and believe anything you say when you lied to me about something so simple?" So he blows up again, then storms out the conference room. Then Paul Neeley comes in and talks to me and I tell him the situation. He says that's understandable and tell me he's going to appoint me another PD and

I would get time to know my PD and discuss and go over my case and that it could possibly be him. From that day, my mom got a phone call one day saying Paul Neeley was my PD and for me to call and set an appointment. I've repeatedly called and left messages but never got to talk to him or make an appointment to meet him and discuss my case. I didn't get to see him or talk to him till my court date which we didn't discuss my case he just came to me with the offer that I just took which is 7 years at 65% or I was risking the chance to receive 25 years.

So I agreed and he said I had to come in the following Thursday to accept (Sept. 8th). However when I did we went in front of the Judge on the 3rd floor in court room 8. When opening plea started the Judge asked the prosecutor what happened the night of the arrest. The prosecutor read what happened that night which points in the briefing wasn't true. The Judge asked me is that what happened and I said kind of except for some points. He asked me what wasn't. I told him the part where they said I had drugs on my person (which I did not). They also said I had a large amount of money that I said was from cashing an insurance check that day and I did not follow up (which I did and tried to and still can. I told the police that night the check stub was in the dash and the officer told me he didn't give a fuck). The Judge then asked me if I still wanted to take the plea. I responded yes, then he explained to me that I could use that as my defense but if I accepted the plea then I'll lose that right. I said yeah but I didn't want to take the risk of getting 25 years. The Judge then told Mr. Neeley that he don't think he's going to accept the plea. Then Mr. Neeley took me in the conference room then the prosecutor came in and Mr. Neeley told him to hold on he'll talk to him in a minute. Then he asked me what wasn't true in the prosecutor briefing and I told him the part where they said I had drugs on my persons. He then told me to go outside and have a cigarette (which I don't smoke).

but I went outside anyway. Then a few minutes later he came and got me and I asked him what are we doing now. He answered we're going to see another Judge. I asked isn't it going to be the same scenario? He said nah this is what "WE" did, we took that part out and changed it. So I didn't feel that was right then. So when we got to the 2nd floor the prosecutor was there waiting trying to get somebody to bring him the paper work from upstairs cause he didn't want the first Judge to know. Then we waited till that Judge finished a trial case and went in front of him. The Judge asked why the first Judge didn't accept the plea and the prosecutor said something but I can't recall and I ended up taking the plea.

I feel like if we would've discussed my case I could've pointed out the arguable basis like, there was no drugs on me. Which they said there was. But I didn't find out they were saying that till the day I was in court. Also that I have proof where the money came from. Which those two reasons were used to obtain the search warrant. And because my public defender didn't discuss the case with me, then turned around and had the prosecutor to change there briefing after an arguable basis were pointed out to me instead of using it to my benefit. I feel like he was working with the prosecutor instead of being a great service to me at his full extent.

I would also like to know if I'm granted an appeal what's the possible consequences. Could I end up receiving more time then I already have? And can the charges that were dismissed be brought back up and used against me which could cause me to receive more time if I lose the appeal?

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Thanks,

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