

Appellate Case No. 2023-000759

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May 20, 2023

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SC Court of Appeals

I, Zamal I.A. Rivera, am writing you today concerning
The appeal Attorney Jason B Turnblad. To start off, he
was never able to be reached for Questions or Answers.
My Family never got a hold of him (EVER) until the week before
my Trial date and he called them only to persuade me
into taking a Guilty plea. We called and Emailed him to
get my Bond reinstated but he never did put in any motion.
I asked for a change of Venue and that motion was never
filled not even once. Because I didn't believe I was going to have
a fair trial or Court date. And that's exactly what happened,
I was not a fair processed. My Attorney never once tried
to defend my case to see if the accident was Mr. John
Scott fault. He lied to me and my family about a 15 year non-
violent and as you can see I didn't get that. On Monday
April 24, I was lead to believe that I pleading to 0-15 non-violent
and I signed a plea agreement with no agreement on it at
all. I said something to him about it because we were in a
room with just me (Zamal) Mr Turnblad and the Judge and
the Solicitor. He said the victims family isn't ready today
so I had to wait, but Monday was my trial date. So why
are they not ready? But they end up bringing me back
to court on April 27, 2023 and the Judge shake his head
and say that this is the most time he has ever given for this
type of charge, and sentenced me to 18 yrs in the department
of correction. I know that is over kill for a charge like this,
I am in a room ^{with} a person that has 2 counts of Vehicular Homicide
and hit and run with a blood/alcohol level of (2.12) wow and
he got 7 yrs. I know I was done wrong, I am a productive
member of my city. I only had a car accident + not went

into anyone's home, I didn't Rob a bank or take anyone hostage. 18 yrs is time for one of those crimes, My home and property will be lost in that amount of time. Now I want to get into what happen on March 15, 2018. My truck and Mr. Scott's truck hit head on now some time later a lady coming from church and saw us in the road she tried to help us and needed help so she tried to wave down someone. The car she saw didn't see her and she had to jump out of the way to save herself from being injured. The driver of that car was texting while driving and didn't see her or me in the road, because he then rear-ended me going at least 55 mph. So that makes 2 accidents, The M.A.I.T team said that I was going 63 mph and Mr. Scott was going 70 mph. And that's how they determine certain things, I know this to be true. I also know the M.A.I.T team was wrong about a few things like me and Mr. Scott's speed. Our Airbag module gave our actual speed, I was going 54 mph and Mr. Scott was going 75 mph. That changes a lot of things. His Autopsy said he had Hydrocodone on him and in his blood.

My Implied consent rights were violated, No video of my blood and urine being taken and tested. They have 3 different Toxicology reports 1) 0.089 2) 0.09 3) 0.091, it should not be that many. They lied in court saying that I had 5 DUI's, because it was only 3 DUI's. They never attempted to drop to a lesser charge like vehicular manslaughter/involuntary manslaughter. I feel as if I was sentenced too harshly. A 8 to 10 year involuntary manslaughter is reasonable, the way it sits is that I have a straight 85% with no chance of parole. A more suitable would be 10-15 yrs suspended to 5-6 yrs / with some substance abuse class. I would like to be resentenced for this charge and a change of venue.

Thank you,

Zamal I. Rivera

Just a little more if you will, The M.A.I.T team was off about a few things and maybe even Mr. Scott being the one to cause this accident. I never used my breaks and my first lawyer's investigator said that the marks that were in the road, that the M.A.I.T team said used to determine where I crossed over. They told me that those tire marks were there before my accident and have been there for a few years before. And the impact of the 3rd car could have very well created those marks from hitting a not moving truck. That can cause a skid mark as well.

No pictures were taken of the first accident, just of the second which destroyed the very shot of reconstructing the first scene. So all those M.A.I.T team numbers are purely constructed to make me cross the center line, not a fact that I even crossed it. Just like the lady witness saw us in the road and tried to help, but the other driver of the Volvo didn't see 3 cars and a person trying to stop him. She had to jump out of the way. Because he was not looking he was using his phone. The Trooper lied and said due to the wreck (No lights) he couldn't see. His daughter told the truth he wasn't paying attention to the Red Truck, because he was on

the phone, which is against the law. But he was not charged, because they said it was my fault. How is him using his phone while driving my fault? That Trooper Tidwell is a dishonest person and can't be trusted. On the body cam, when he was supposed to be recording me getting my blood and urine taken. He was confessing to a co-work about sleeping with another co-workers wife. Fact!!! He doesn't know that's on record. And he tried to forge my Trident release papers, Orangeburg county would not relieve him of custody. He then took me to Grangeburg Regency Hospital and tried to get them to clear me for discharge, but they told him I can not come in because I was never treated by them. He got mad and had to drive me back to Trident, but he never did he put me into his car for 4 hours and waited on Trident to Fax the papers. It took my wife 2 months to find me. She put out a missing persons and all she had to track my phone to the junkyard that had my truck. That's how she found out, not from him calling her. The garage that towed my truck told her about the accident and where I was. Not Trooper Tidwell.

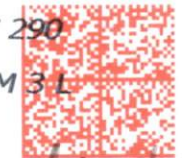
Sorry had to get
that out!

I just want whats fair

Zamal

Zamat I. Rivera SCDC #390940
Kirkland Reception and Evaluation Center,
4344 Broad River Rd.
Columbia, SC 29210

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South Carolina Court of Appeals
P.O. Box 11629
Columbia SC 29211

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