

Calvin M. Patten
856 Lincoln Ave
Aiken, SC 29801
clstwal@aol.com
803-443-2789

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JUN 21 2023

SC Court of Appeals

SC Court of Appeals
PO Box 11629
Columbia, SC 29211
Re: Appellate Case No. 2023-000841


This letter is to file an appeal on behalf of Calvin Marcelle Patten, a mentally disable adult who suffers with Aphasia as a result of a stroke. On or about May 17, 2023, the Assistant Public Defender, William McKellar represented Calvin Patten in General Court Session. The plea was agreed to enter an Alford Plea with both Mr. McKellar and Mr. Weeks, Solicitor in agreement.

Calvin initially stated to the Judge that he was not satisfied with the representation he received, the Judge then sent them back out to talk to Calvin to better understand what was going on. After some discussion with both the Assistant Public Defender and the Solicitor as well as myself, Celestine Walker. I am Calvin's mother as well as his representative. Calvin had insisted he was not guilty and wanted to go to trial. After much discussion, I asked about an Alford Plea. I explained to Calvin that it does not mean he is admitting that he is guilty, but the way the City of Aiken works, it could be possible that he could go to jail for something he is not guilty of doing. Also with the charges pending, he was denied a job with the Salvation Army and could be denied housing because of these charges.

The following day, I was unable to accompany Calvin to court. He was in the company of the Assistant Public defender and he trust that what we had agreed on would be the Alford Plea. When Calvin returned home, he showed me the documents he had received from the court session. When I looked through the papers, I noticed that there was a Guilty Plea for each charge as well as a document for another charge on the same day that was not a charge we were aware of. With the admission of the Assistant Public Defender, that he too was not aware of the additional charge. (see documents) we requested to appeal the Guilty Plea.

We believe an appeal and new trial is warranted to show that the actions of the Assistant Public Defender as well as the Solicitor was done to further cause additional injury to Calvin due to his previous history before his documented Stroke which left him with Aphasia a mental illness that causes memory loss, speech impediment as well as his mental capability. These actions occurred because of his race, mental disability, and previous history with the Aiken City Public Safety and Aiken County Sheriff Department. These factors contributed to the inefficient and inadequate counseling that led to this erroneous Plea Agreement.

Sincerely,



Calvin Marcell Patten

Office of the Public Defender / Second Judicial Circuit

211 York Street, NE
Post Office Box 2247
Aiken, South Carolina 29802

May 25, 2023

Calvin M. Patten
856 Lincoln Avenue
Aiken, SC 29801

REF: Appeal

Dear Mr. Patten,

Please provide the court of appeals with a basis for appeal. You have 20 days from the date of this letter to respond. Their address is as follows:

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

If you have any questions, feel free to call me at 803 642-1732.

Sincerely,



William McKellar
Assistant Public Defender

WM/rh

ENCLOSURE

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
RESISTING ARREST
§ 16-09-0320(A)

At a Court of General Sessions, convened on June 7, 2021, the Grand Jurors of Aiken County present upon their oath:

That CALVIN MARCELL PATTEN did in Aiken County, South Carolina, on or about January 24, 2021, knowingly and wilfully oppose and/or resist, the efforts of PSO Delton Carter, a law enforcement officer of this State, to make a lawful arrest of the said defendant when the defendant knew or reasonably should have known that PSO Delton Carter is a law enforcement officer, all in violation of Section §16-9-320(A) of the Code of Laws of South Carolina (1976), as amended.

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Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



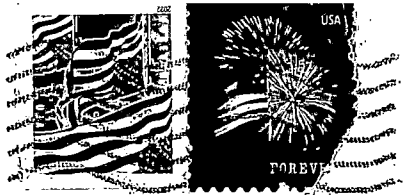
BILL WEEKS, SOLICITOR

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