

Latoya Rivers) #00390901

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SC Court of Appeals

South Carolina Court of Appeals

1220 Senate St

Columbia, SC 29201

Appellant Case #: 2023-061235

Dear SC Court of Appeals:

I, Latoya D. Rivers was arrested in Columbia, South Carolina at the Prisma Health Richland Hospital. On January 4th 2021 I was charged with Felony DUI w/ Great Bodily Injury and the attempted Murder of Brittany Campbell. After receiving treatment for a gunshot wound inflicted by Ms Campbell, I was transported to the Alvin S Glen detention center. Being granted a 50,000 dollar surety bond, along with bond stipulations which consisted of wearing a GPS ankle monitor. That I would end up wearing for two years and five months. During my bond hearing I was advised my right to a preliminary hearing (rule 2(a)(SCRIMP) which a date would be set, continued twice, then eventually

never happen. I was indicted by the SC Grand Jury on November 17th 2021 (Rule 3(c) SCRIMP) with no record on file, that the prosecuting attorney Ronald Keith Taylor petitioned the court for an order to delay action on the warrant. (Rule 3(d) SCRIMP) Even if there was actions granted by a Judge to extend time pass 90 days. The proceeding was not entered in the records of the clerk of court (Rule (E) SCRIMP) which was grounds for case dismissal.

Upon my release from the county's detention center. I was appointed state counsel by the name of Brodes Bailey. Who filed for an preliminary hearing on my behalf. I recieved a court date for January of 2021. I cant remember the exact date, however the court date was moved to February 10th 2021. Then would later sit on the court roster as continued for months, eventually never happening. Brodes Bailey would eventually resign his position as a public defender. Then I was later appointed a new state counsel, by the name of Robert Furney. Whom would later deprive me of my rights and sure enough misrepresent me.

To start with, during the first seven months of being released from the Alvin S. Filen detention center. Mr. Ronald Keith Taylor would file repeatative motions

to have my bond revoked. One where a court date was set for April of 2021. Then later withdrawn before the date came. Then three months later in July of 2021 another court date was set. The prosecutor Ronald Keith Taylor Jr, yet again petitioning the courts to revoke my bond. During this hearing Ms. Campbell is allowed to speak. She states a number of false allegations. She made claims of things that no one was aware of. Including that I caused her to suffer a torn meniscus. I would then interrupt her, speaking out against these false allegations. The judge at that time informed me that I could have gotten a contempt of court. So from that point on I would trust in my attorney to speak and make positive decisions on my behalf. Judge Newman continued the court date allowing Ms. Campbell to bring evidence of her torn meniscus. Allowing her to bring proof that I was the cause of her torn meniscus. However in August 2021, the motion to revoke my bond was withdrawn in the court room by the prosecutor. He didnt not want to say why he withdrew the motion on record. However Robert Farney informed me that the reason for withdrawal was because Brittany's evidence did not validate her claims that she made against me. For that matter, I did not

understand why I was constantly being pulled in court for unreasonable motions to revoke my bond. When the ~~pro~~ prosecution could have been pulling me in court for a preliminary hearing. The preliminary hearing that sat on the court's roster as continued for at least 6 or more months.

Finally receiving the motion of discovery, I immediately started to study my case. Starting with the preliminary hearing I first went up to the clerk of court's office, inquiring about another preliminary hearing date. They informed me that I should consult in my attorney. I asked Mr. Forney numerous times about getting another preliminary hearing date. He would finally inform me that there wasn't a need for a preliminary hearing. He stated that preliminary hearings were useless and a waste of time. As for my case there was no need for one. I then asked him how could that be so when a preliminary hearing determines if there is enough evidence to go to trial. He stated that the prosecutor decides if there is enough evidence to go to trial not a preliminary hearing. So me being very ignorant to the law, I took his word, believing that what he said was true. However I never waived my right to a preliminary hearing. Neither did I sign anything saying that I waived my right to a preliminary hearing. I was actually

entitled to a preliminary hearing for 10 months.

Being that the prosecutor didn't take action on the warrant for 10 months. I also informed Robert Forney of this matter. He said that it did not matter because no one does things by the book and that there was nothing that I could do about it. He stated that even if I told anyone in the higher judicial system no one would care and that it didn't mean anything.

I then stated to him that ~~it~~ it was not fair that I could be charged and convicted by the book. But no one follows the rules when it came to a person's rights and ~~civil~~ civil liberties? He goes on to say that, that was the way life goes and there was nothing that I could do about it. I was stunned by these statements that Mr. Robert Forney made. So I told him that I wanted a new counsel. He asked me why, I told him that I felt like he wasn't working for me. He would go on to say even if you fire me and hire someone else they are going to tell you the same thing and you are going to get the same results. For that matter I kept him. I asked him numerous times to file the motion to relieve himself as my counsel, he refused everytime.

and I could not understand why. So for that matter I had no choice but to keep him. It seemed as if

He forced me to keep him as my counsel.

After reviewing the discovery of evidence I felt as if there wasn't enough evidence to go forth with a trial. So I asked Mr. Farney to file a motion to dismiss all charges. He stated that by law he was not allowed to file motions to dismiss charges. Which left me puzzled because I thought that these were things that attorneys could do, especially when there is probable cause. I was sure that everyone saw what I saw in the discovery of evidence. Ms Campbell who claims to be a victim, caught on body camera, lying to law enforcement about the whereabouts of the weapon that she used to potentially take my life. As well as the states witness, four of my childrens father, Edrelle Simmons, who intentionally lies to law enforcement on body camera about the whereabouts of the weapon that Ms Campbell used to potentially take my life. As well as contradicts his statement given to the police about what happen. After the lead investigator Robert Hook Jr threatens him with a search warrant of his home. He finally hands over the weapon. I still did not understand why would the state even attempt to go forth with this case when both the "victim" and "witness" both showed an untruthful character. No one had to submit

anything to show that they both are liars. So why would the prosecution expect either one of them to tell the truth in court. All of this could have been ~~handled~~ handled in a preliminary hearing. But the state and my counsel refused to give me one.

As I said before, Edrelle Simmons the father of my last four children including the child that I recently gave birth to in SCDC custody. Which he also fathered two children in a previous relationship with Ms. Brittany Campbell. Ms. Campbell who was upset at the fact that Mr. Simmons moved on and could not accept the fact that Mr. Simmons and I shared children together. She also states on body camera that she was upset about the fact that Edrelle and I shared children together. Brittany Campbell hates me with everything in her. She would go the extra mile to see me suffer. She wanted to do harm to me, she wanted to inflict pain upon me. I did everything to avoid Ms. Campbell before this incident ~~occurred~~ occurred. She did things like chase me around in cars, she would come to my residence on different ~~occasions~~ occasions, she even went so far as spilling on me then bragging about it. So the chance that she would get to shoot me. She would take it.

I presented Robert Furney with this evidence as well as Ronald Keith Taylor with this evidence (rule 404(b) SCRUIBV). No one seemed to take the evidence into consideration. Not even my attorney, the evidence that I submitted to show Ms. Campbell's motives, and intentions to do harm to me. Robert Furney said that it was useless. He said that it could not be used because it was old and at the time it was 3 years old. She even made statements in 2018 that she injured her knee trying to "take off a head" as she put it in her FB status. My attorney did not take that as evidence to show that she was lying about her injuries. She was in fact blaming injuries that she caused her self years ago on me. No one would even consider the fact that Ms. Campbell was on video wielding a gun, trying to fight me, a gun that she would intentionally shoot me with 3 years later. No one took none of that into consideration and they still labeled me as an "aggressor." Being that our children are siblings. They ~~do~~ spend weekends together at Edrelles mother's house. They allow Ms. Campbell to be around my children. A person with a mental health level at a level 2 I do not trust around my children. As much as she hates me I could only imagine what she would do to my children.

For that matter my children are not allowed to go over their grandmothers house due to the fact that Ms Campbell has wished death on my children. She hoped that my daughter got molested. I refused to put my children's life in jeopardy. Yes I have proof of these allegations.

After attending my second and third court appearance I was given a trial date set for May 15th 2023. However before that Robert Forney presented me with a plea. Forney and the prosecutor wanted me to plead to DUI 2nd offense and Assault and battery 1st degree. I told him NO! Due to the fact that I was innocent on both charges. I was not driving under the influence I did not get pulled over while driving, neither was I offered a breathalyzer test. The investigating officer did not follow the proper protocol when charging me with DUI for that matter, the Felony DUI was grounds for dismissal. When I informed Forney of that matter he stated the he would run it by the prosecutor. A few days later Forney presented me with another plea. He said that the solicitor was dropping the DUI and that I would only have to plead to Assault and battery 1st I still told him NO! Because the motion of discovery stated that she only suffered

a contusion to her thigh, which is a bruise that you can not see. However upon ~~reading~~ reading her hospital records in the motion of discovery. She takes meds for internal bruising. So for that matter I couldnt have caused the contusions. I did not cause her any great bodily harm. Either the charged was dropped to something lesser or we could just go to trial. My trial date was set for May 15th 2023. Robert Farney informed me that if I went to trial on a Attempted Murder, I would be facing up to 35 years and if convicted I could spend the rest of my life in prison. He also stated that if I plead guilty I would only get probation. Here I am a mother of 5 children currently pregnant with baby number six. 5 children who soley depend on me, 5 children that need me. Pregnant, Scared, confused, emotionally unstable, and depressed. Not understanding why my ~~attorne~~ attorney is not fighting for me. Not ignoring the fact that Robert Farney wash⁴ even prepared for a trial. He didnot investigate anything, he refused to use the evidence that showed the victims character, her motives and intentions to do harm to me. I planned on going to trial with an attorney who said that preliminary hearings are useless and a waste of time. An attorney who said that he was not allowed to file motions.

to dismiss charges, an attorney who admitted that no one goes by book when it came to court and criminal procedures. An attorney who said that no one would care that if my rights and civil liberties was violated. An attorney who would leave me no other choice but to plead Guilty to a charge that was grounds for dismissal. No one, not even the prosecution taking into consideration that if someone shoots a person in self defense why would they try to get rid of the gun. I also feel as if the prosecution withheld evidence because when Robert Keith Taylor went out to serve the subpoena to Edrelle Simmons. Edrelle said that he told Mr. Taylor that he did not remember what happened. He then told Edrelle that it did not matter whether ~~he~~ he remembered what happened or not. He stated that he did not need him for an conviction anyway. Either the prosecution withheld evidence or Robert Forney was just going to hand me over to the prosecution at trial. Scared for my life and for the sake of my children I took the guilty. Upon ~~taking~~ taking the guilty plea, I was told that I would receive only 1 year of probation and no jail time. I ~~was~~ was not told that I would lose my right to vote and bear arms. I wasn't told that I would

become an felon. I wasn't told that my life would change drastically.

May 8th 2023, I went before the Honorable Judge Micheal G. Nettles. A 12th Circuit Judge from Florence county. Before entering the court room Robert Forney ~~and I~~ ^{and I} sat outside the court room for a brief moment. He asked me how was I feeling I told him that I was having contractions and that I could not stand before a judge in this matter. I told him that he should motion for a continuance he stated that it wouldn't take long and that I could go to the hospital after court. I didn't want to get a warrant for my arrest so I stayed. Robert Forney instructed me to say yes to everything he said that being that I was taking a guilty plea, even if I didn't agree ~~to~~ with everything that was being said I had to say yes. He said that I had to take full responsibility even if I didn't want to, I had to because I was pleading guilty. After our brief talk he handed me a paper to sign he said that it was a sentencing sheet. He never explained the sheet to me he just said that it was best that I signed it to make things easier for the judge. So I signed it. He never said that I was waiving my rights.

Sure enough it was my turn for my case to be presented to Judge Nettles. The state presents its case Mr. Ronald Keith Taylor lied saying Ms. Campbell shot threw my ~~car~~^{windshield} three times when she shot threw my ~~car~~^{windshield} once, however sneaking at me twice before hand. When I was asked were these facts, I was told that I had to say yes to everything. I did not correct the solicitor and neither did my attorney. So whatever the Judge asked of me I said yes. I was 8 months pregnant emotionally unstable So all I could do was cry I felt so low and deprived of life. When Judge Nettles asked me did I have anything to say. I was so distraught and stunned that I couldn't even speak. When Ms. Campbell spoke nothing of the truth left her tongue as always. She made claims that no one had any knowledge of. With that being said Judge Nettles sentenced me to 6 years non-violent with a year of probation after completion of my sentence at SDC. After speaking with Robert Furney once again he stated that Judge Nettles told him to file a motion to reconsider my sentence. He did as he was told but when I asked for a motion to dismiss charges I was told he didn't have grounds to file motions.

However this motion to reconsider was to Allow Ms. Campbell to bring forth evidence to prove that I was the cause of her torn ACL, not to mention Two years prior Ms. Campbell stood up at the motion to revoke my bond and stated that I caused her to have a torn meniscus. The Judge Allowed her to bring in evidence of those claims. And she could not furnish any evidence to validate those claims, which was reasons for the motion to revoke to be withdrawn. With a case being this Serious they should have subpoenaed Ms. Campbell's Health Records as far back as they could but they didn't. Everytime Ms. Campbell is allowed to speak its always claims that no one knew about beforehand. I was sentenced based off of Ms. Campbell's hearsay. I was sentenced and hauled off wrongfully like a piece of cattle.

May 12th 2023, I was booked into SCDC at 8 months pregnant. I was induced on June 21st 2023 giving birth to a healthy babygirl another child that Edrelle and I shared. Spending only two days with my daughter then sending her home with a Family member. On June 28th 2023, I had my motion to reconsider via Webex. Robert Forney presents her evidence then two weeks later I was informed by Forney that

Judge Nettles denied the motion to reconsider my sentence due to the fact that he thought that me being committed to SCDC was fair. I then asked Forney what else could I do to be released he stated that there was nothing else that he could do. He said that I just had to wrongfully stay in prison and do my time. Robert Forney never informed me of my right to an appeal. A man by the name of Lawrence Brown who works for Appellate Defense informed me of my right to an appeal. He also informed me I had 10 days for the rule 203 to be filed. I informed him that my ~~counsel~~ counsel said that it was nothing else that he could do. He then told me that he would inform Forney that he spoke with me. Which would motion Forney to file a Rule 203. After filing the Rule 203. He never informed me that the notice of appeal was filed. The South Carolina Court of appeals clerk informed me that the rule 203 was filed and that I needed to send in an Letter of Explanation as to why I wanted to appeal. Everyone ~~is~~ is informing me of my rights ~~except~~ except for my counsel. After he filed the rule 203 he stopped taking my ~~phone~~ phone calls. Robert ^{Forney} ~~Forney~~ states that the reason for filing the appeal was because I had

a right to do so. Well I also had a right to a preliminary hearing but he refused to get me another date. We wouldn't have had to appeal anything if he had not deprived me of rights. He also stated that I was not happy with my sentence of ~~10~~ course I was not happy with my sentence because he lied to me. He said that I would receive probation. Not Six years and probation. He never informed that I would lose my rights as a U.S citizen by pleading guilty to Assault + battery 1st degree. ~~The~~ Robert Forney was supposed to protect me and my rights. I was ignorant to the law and he took ~~adv~~ advantage of that. Robert Forney violated my constitutional rights, as well as deprived me of my civil liberties.

I was forcefully taken away from my children, my family, my job, my home, my life and thrown into prison with people who have actually done harm to others. Murders, rapists, child killers, users of hard drugs, people whom neglected children, and they don't mind telling you about what they've done to get back here. Honestly I'm scared. I'm General Population level 2 security. However I'm currently housed in ~~the~~ Restrictive housing unit, where the movement is controlled. Not because I have to be but because

I choose to be. I participate in the Lactation Program. I am allowed to express my breast milk and send it home to my newborn. That's is the closest thing that my child gets to me, I cant even see my child, hold my child, or even touch my child. The only person that I get to see is the people whom pick up my milk. The people of the court allowed Ms. Campbell to lie on me. A woman who clearly has motives a woman who ^{was} constantly bullied me, a woman who constantly threatened my life, threatened my childrens life, a woman who couldn't accept change. They allowed her to help wrongfully sentence me. My ~~children~~ children who are ages 9, 6, 4, 3, 1, and 2 months. They need me They didnt deserve to have their mother taken away from them. I'm an active mother I made sure my children had a roof over ~~their~~ ^{their heads} ~~heads~~, food on the table, clothes on their backs, I made sure homework was done, I made sure that they did the right thing in school. I made sure they enjoyed life as children. I try to be an active parent even from the correctional facility. I need to be home with my children I do not cause trouble neither do I go look for trouble. Unlike other people. I dont sell drugs or gunbanging.

I don't party every weekend neither do I pick fights with people.

The point that I am trying to make is that everyone doesn't deserve jail. I did not fully understand what I plead to. My 5th constitutional right was violated along with my 6th, 7th, and 8th constitutional right was violated. With losing my father in January of 2023 and being his only child having to plan and make funeral arrangements on top of being pregnant, things have been pretty tough for me, my mind all over the place, emotions running wild to the point where I had to seek counseling services. I just ask that the South Carolina Court of Appeals grant my appeal and possibly help me get back home to my children. Help me get back to my life. This concludes my Letter of Explanation. Thank you for listening.

LaTaya Denise Rivers

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