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State of Victoria H. Burgess  
appellate case No. 2023-001716

July 31<sup>st</sup> 2023

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Your Honorable Judge,

AUG 05 2024  
SC Court of Appeals

I am sitting in Camille Graham and I am writing to you because even though what I am about to say may have no merit in this level of appeal, I feel in my heart that I need at least bring it to your attention. I understand that ignorance to the law is no kind of excuse for wrongs done pertaining to sentencing, but I do believe that paid and public defenders are there for protecting us on rules of law and sentencing criteria. So here I am asking how a sentence I received in 2018 for a PWFO of Herion, when in fact the Herion came back negative. I took a plea for simple possession of meth <sup>offence</sup> & misbehavior meanor. Now here comes

4/08/22 and I get caught up in a set up trafficking charge where only I go to jail, not my car, not in my purse, not on me. Driver gets a warning ticket for turn signal and let me backup, the owner has a child in the car and gave my license trying to pass it off as her. yet I was the only one charged. I ended up with a trafficking 3<sup>rd</sup> Rel, because they said I had 2 qualifying prior convictions, and that's when I learned that I got sentenced on the Herion that was not Herion. When I brought that to my lawyer's attention he said statute of limitations on that, makes it stick.

So please your honor, explain how a lawyer I can't even find anymore gets away with letting me get sentenced for something that wasn't what I was charged with originally.

I was an alcoholic and had a drunk addiction for many years, But in 2020 after waking up in ICU, I got clean & Sober. I worked hard for that and I started volunteering to help youths with addicted familys find a way to get off those broken roads they were heading for a life of addiction prison and death. I was clean a year and a 1/2 when I caught this charge and none of that mattered. I took my case to trial because I am innocent of this crime but do to a death in my lawyers family my trial had gotten shortened from 3 days to 1 day, my lawyer filled a motion of a lesser charge, that was changed prior to my trial making the judge deny his motion

and my lawyer said he didn't know that ~~lawyer~~ changed, well isn't that his job to know these things that can help and or worst hurt my case? Due to that happening I was found guilty and received 29 years. And part of that was due to a prior hevon charge that should of never been, it was negative, By my lawyer not knowing these ~~laws~~ <sup>laws</sup> and do to cutting my trial short so he didn't miss a funeral for his grandmother I did not get on stand, nor of my witness were called and the Solicitor was able to cut 32 minutes from the dash cam which made it easy for the Narcotic agent to lie on the stand and for the

jury to not see how unprofessional and how they gathered only what they could use against me ~~for~~ <sup>from the</sup> ~~me~~ <sup>check</sup> only making my lawyer not to be able to challenge the wrong doings by police.

Also, it all started with a made-up traffic stop. It was for crossing a double line, yet in the DMV Handbook, it clearly says when is it legal to cross a double line?

Answer is "when entering or exiting a drive way" which is what we were doing, so no traffic violation event existed to be pulled over. Please at least see the wrongs here and how at 60 yrs old I received a 2 year sentence. I was an addict at one time, never ever a drug dealer. I am sober 4 years. I listed  
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State Vs Victor A  
appellate case NO. Gregorio  
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Your Honorable Judge,

As I sit here on a 29 year sentence for a charge I am not guilty of, but here I am. I don't know much about appeals, but I feel I need to write making the courts aware of some ~~bad~~ actions and lack of in this case that might give me a chance to have a new trial. Most importantly, ~~has~~ I read my transcript I find myself lost and keeping asking who's trial am I heading, can't be mine, I didn't hear or understand most of what was said. I repeatedly told my lawyer what did they just say, I didn't hear that and each time I got a SHUSH out of him. I am hard of hearing and that's that issue.

There was evidence I wanted my lawyer to bring into this case, that never were Mr. Hayes said I am innocent til proving guilty and although at one time that was true, that's not the case anymore. I don't know if ~~instructive~~ <sup>instructive</sup> counsel has any standing on this level of appeal (and) but I know bring this all up at least puts it on record.

My lawyer never spoke to any of my witnesses, yet said the videos speak for it's self, but ~~the~~ with him letting them cut 32 minutes out of the full video, gave lots of doubt for the jury. Cutting my trial from 3 days to 1 due to a death in his family, took time away from my trial. And then there's the fact that a motion he entered

where the jury would have a chance to find me guilty of a lesser was denied, due to the law changing a while back, that my lawyer was unaware of.

So it became all or nothing. Had I known this was not available to us, I would have requested all the videos be shown, the witness would of taken the stand, I would have taken the stand myself, and I whole heartedly believed I would have been found "Not Guilty".

Now I have a sentence that is gonna be life, cause at 60 getting a <sup>30 year</sup> life sentence is life. I have hated drugs even though I had an addiction that was forced on me as a child I finally got past that addiction.

and so happy to be freed of that on the inside, to now becoming a prisoner on the outside.

This whole case became messy and full of unjust. And where laws & evidence should have come to light and left for the Judge and jury to decide of my guilt or innocence. The Narc agents and solicitor worked it to their advantage, acting like they cleaning the streets, when in this cause was not the facts.

I was told if I didn't work with them, then they would make sure the solicitor would not work with me and they didn't. But I didn't know where it came from, it wasn't mine & wasn't my car and it was just as much near her then me, if

not more. Hand of one should have  
en applied I am all for getting drug  
dealers off the streets, and  
helping people & youths  
getting clean and off the  
broken roads, like I have,  
Now I am incarcerated for  
29 years, because of the  
way my case was handled.

Thank you for at least  
letting me enlighten you on  
my case. I feel a new  
trial will set me free.

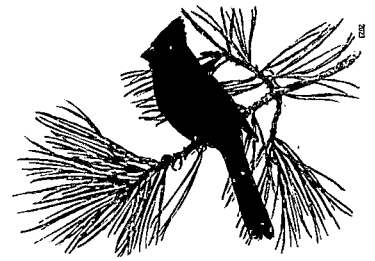
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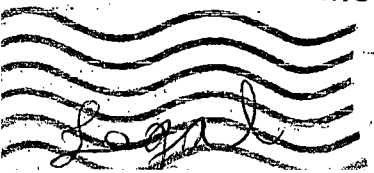
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CORRECTIONAL INSTITUTION



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