

State of South Carolina
Court of Appeals:

Randall Loris Simpson
Plaintiff,

V.

State of South Carolina
Defendant,

In The South Carolina Court
of Appeals:

RECEIVED

JAN 07 2025

S.C. SUPREME COURT

Notice of Appeal and Appeal
on Sentenced Time:

I Randall Loris Simpson am writing in
respect to bring forth filed Appeal on the Sentenced
Time I recieved in Florence County General Sessions
Court on June 21, 2023. Pro-se

Grounds:

Ineffective Assistance of Counsel
Conflict of Intrest
Conspiracy

On June 22, 2022 Jay John Ervin III took me to court in front of Judge Seals and tried to get me to plea to charges Burgulary 1st, CDV 1st, Possession of Stolen Vehical, and Possession of Cocaine. Jay John Ervin III tried to coecere and force me into pleading to these charges by manipulating me by saying this is a good Judge and you can get these charges put behind you. I refused and did not plea cause I am innocent to above said charges.

On June 22, 2022 on the same day as above, Jay John Ervin III refused to lift my Bench Warrant by saying the Judge is not going to lift your Bench Warrant and I'm not going to ask Judge Seals to do so. I cut my Pro-Bono Lawyer off and spoke up in court to Judge Seals. I explained the situation that occurred. I also have File Dated Documents filed through the Clerk of Courts Office proving this. When I explained this to Judge Seals, Judge Seals lifted my Bench Warrant and told Jay John Ervin III to contact the Bondsman and have me released.

On June 22, 2022 on the same day as above, Jay John Ervin III did not and would not file my Formal Order with the Clerk of Court's Office to have me released, because I went over his head and had my Bench Warrant lifted before Judge Seals. Jay John Ervin III made me sit in Jail over a month before he filed the Formal Order for my release. I had to write Jay John Ervin III and threaten to refer him to the Office of Disciplinary Counsel before he filed the Formal Order and had me released. I was released on July 26, 2022.

On July 27, 2022 day after my release from Florence County Detention Center, Jay John Ervin III brought me before the courts. I have told Jay John Ervin III I wanted to go to Trial over and over. Jay John Ervin III begged and tried to force me again to please to the above said charges. When I got in front of Judge DeBerry I told Judge DeBerry I wanted to go to Trial on all pending charges and I was not guilty of any charges pending against me. Therefore Judge DeBerry granted my request.

On June 10, 2023 I wrote Jay John Ervin III. I told Jay John Ervin III I wanted to get this behind me.

On June 21, 2023 while at Florence County General Sessions Court, I spoke with Jay John Ervin III. The deal for me to plea was, plea guilty to Possession of Stolen Vehical valued less than \$2,000, all other charges dropped that I was going to trial on, run-concurrent with Probation Violation. He said I only have 2 years left on Probation with 600 days credit and you have never been in any trouble since on Probation. I said I still have 323 days credit on all pending charges. So 600 days and 323 days which is 923 days credit. I told Jay John Ervin III about my wife, my job, and that my truck was in the Florence County impound with over \$10,000.00 worth of my tools in it. I am a Mobile Mechanic. Jay John Ervin III said tell your wife to go get your tools, hung the phone up and walked out the glass holding Cell booth.

On June 21, 2023 Prosecutor Daniell read before the Courts and charged me with a charge that I was going to Trial for, whereas, Jay John Ervin III advised me this charged was dropped or I would not have plead guilty to any charges. I had agreed to plea to the Magistrate Misdemeanor (30) Thirty day charge.

On June 21, 2023 there was a Probation Agent that was not my Agent. This Probation Agent has been in the Court room every time hollaring full revocation to the Judge before the Courts. This Agent is not my Probation Agent. My Probation Agent is Agent Charles Watson. My last home visit Agent Charles Watson told me I was doing good and the only thing wrong I was behind \$200.00 maybe a little more. This Probation Agent stood before the Honorable Court and lied saying, I have done nothing I was suppose too, while on Probation. Only trouble, I was violated for a 2021 Traffic Ticket and sentenced by Judge DeBerry 90 days. Whereas, Agent Charles Watson was not present before the Courts to recommend any violations and/or stipulations on my Probation at anytime I have been before the Judge. Why is that?

On June 21, 2023 while in Court this Probation Agent went and spoke with someone in the court room pews. This lady stood up and said because of me, her husband was dead. Whereas, during other prior court appearances it was stated that his daughter whom showed up every time, but this time was his only family. Whereas, I am on Probation for alleged charges from 2019. Whereas, Mr. Mullins was divorced and lived alone for 30 or 40 years at 950 South Cashua Dr. address. Mr. Mullins died in a Nursing home (2) two years later after these alleged charges were brought against me. Mr. Mullins died of full fledge Dementia, Covid, and due to a leg being amputated while being in the Nursing home. Whereas, she lied before the Honorable Court and during my sentencing to help railroad me. Whereas, upon information and belief, I believe this woman was coerced by State Officials, this Probation Agent to lie before the Honorable Court, to give me full revocation.

On June 21, 2023 when Judge DeBerry sentenced me to (10) Ten years violent 85%, Judge DeBerry only gave me 600 days Credit which was on my probation part. I had 323 days credit I also done.

Judge DeBerry would not give me my 323 days credit. The Probation Agent guy kept telling the Judge to only give me 600 days credit. Whereas, my 323 days credit was on the pending trial charge I was manipulated in to pleading too. Judge DeBerry told me to take it up with Classification at R+E Kirkland Correctional Institution. Whereas, I am entitled to my time I have done.

Upon information and belief, I believe Jay John Ervin III has not had my best interest within representing "me" Randall Loris Simpson as his client and him as my Attorney. I believe Jay John Ervin III has favored the Prosecution from the beginning and has not represented me efficiently, adequately, and/or properly as a Lawyer should his client. Therefore, he has been Ineffective Assistance of Counsel with representing "me" Randall Loris Simpson.

Upon information and belief, I believe since I went over Jay John Ervin III head in court and had my Bench Warrant lifted with Judge Seals and told Jay John Ervin III I was going to refer him to Office of Disciplinary Counsel there is a Conflict of Interest between Attorney and Client,

Upon information and belief, I believe with previous conflicts with Public Defender Elizabeth H. Neyle I have been conspired against during sentencing in Florence County General Sessions Court. I have filed a lawsuit against Public Defender Elizabeth H. Neyle and Solicitor Ryan White. I had to refer Elizabeth H. Neyle to Office of Disciplinary Counsel, it went as far as the Panel Board, but they found no wrong doing. I filed writ Habeas Corpus against charges Elizabeth H. Neyle represented me on. I also filed a "PCR" Post Conviction Relief against the Probation I was sentenced too, for not advising me of my legal rights as her client and with holding information in my case from me and lying, manipulating, and coerced me into pleading to 12 years suspended to 5 years Probation, telling me over and over that, that was the only way I was going to be able to go home and "they" Florence County General Sessions Court was not going to have trials for years because of Covid. Elizabeth H. Neyle told me this on August 23, 2020. I plead to Probation August 24, 2020 and Florence County had a trial the next week, which was suppose to be my trial. My trial was up next but Covid shut all courts

down March 11, 2020. and my trial was to be held on March 16, 2020. So my trial was next. Elizabeth H. Neyle made me sign this plea because Elizabeth H. Neyle told me it was the only way to go home to my wife and kids. I wanted a trial and I would not have plead guilty if she told me the truth.

Upon information and belief, I believe I was conspired against because of all Public Officials and Colleagues of Public Defender Elizabeth H. Neyle's, within the Florence County Complex and the Courts of General Sessions; Prosecutor / Solicitor Daniell, Probation Agent guy that was not my Probation Officer, Pro-Bono Attorney Jay John Ervin III, and Judge De'Berry because of the legal work and issues I brought forth that I filed on and against their Colleague Elizabeth H. Neyle. I truly believe when Jay John Ervin III made the Statement to me, tell your wife to go get your tools out your truck Jay John Ervin III already knew I was being sentenced to 10 years. I would not have a fair Trial or sentencing in the County of Florence at any time.

I have read the foregoing Appeal and hereby verify that the matters alleged therein are true, and correct as to the matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty and perjury that the foregoing is true and correct. Executed on November 4, 2024 in Uva, South Carolina.

Uva, South Carolina
November 4, 2024

Respectfully Submitted,
Randall Loyis Simpson
Randall Loyis Simpson