

STATE OF South Carolina

V

ARMAD IRBY

RECEIVED

MAR 03 2025

SC Court of Appeals

Appellate CASE NO.

2025-000192

CASE No.

2022GS4204441

2/26/2025

DEAR South Carolina Court of Appeals,

I AM CURRENTLY BEING HOUSED AT KIRKLAND RECEPTION & EVALUATION CENTER. I HAVE BEEN HERE SINCE JANUARY 29, 2025! I RECEIVED A LETTER FROM MY ATTORNEY TODAY, SAYING I HAD 20 DAYS TO WRITE MY EXPLANATION. I ASKED MY ATTORNEY TO FILE MY APPEAL ON THE BASIS OF "VIOLATION OF MY RIGHT TO DUE PROCESS AND "VIOLATION OF MY RIGHT TO SPEEDY TRIAL" AS WELL AS "INEFFECTIVE COUNSEL." I ASKED FOR MY TRANSCRIPTS FROM JULY 2023 FROM JUDGE KELLY CHAMBERS LAWYER NEVER SENT IN JULY 2023 JUDGE KELLY STATED TO SOLICITOR JAMES EDDIE HUNTER AS WELL AS MY ATTORNEY AND MYSELF THAT MY RIGHT TO "SPEEDY TRIAL" WAS TO BE UP FOR TRIAL JANUARY 2024! JANUARY CAME MY LAWYER TOLD ME AS STATED "I DON'T KNOW WHAT'S GOING ON") I ASKED MY LAWYER TO FILE "VIOLATION OF SPEEDY TRIAL" THE WEEK OF JANUARY 31ST MY LAWYER FILED "SPEEDY TRIAL MOTION" THE WEEK OF JULY 1, 2024 MY LAWYER FILED "MOTION TO DISMISS" AS WELL AS "MOTION TO CHANGE VENUE" THE WEEK OF OCTOBER 30, 2024 MY LAWYER FILED "MOTION TO AMEND PLEA" AND "MOTION TO WITHDRAW PLEA"

TO DISMISS." By January 2025 NONE of my motions were heard by a Judge to entire YEAR of 2024 when I asked my attorney why are my right to "Due Process" and my right to SPEEDY TRIAL being violated my attorney stated to me as he did in my 1/24/2025 sentencing transcripts Page 4 lines 23-25 "The Supreme Court changed it where the solicitors office control the trial Docket" Also my lawyer stated this "Solicitor has NO CASE, victim stated man had ON "Black Hoodie" he seen with Guns, I ARMAD IRBY had an ~~ARMAD IRBY~~ "BROWN JACKET," witness stated they seen "Black car shooting and was SCARED they was escape Turn Around" I ARMAD IRBY HAVE A BERGANDY CAR! NO LINE UP, NO WITNESS OR VICTIM PUT ME "OR SAID I DID Anything! November 2024 solicitor James Edward Hunter Emailed my attorney that "if I keep filing motions; He is going to get in touch with victim and see what they want to do" I told my lawyer I was scared and felt threatened I want to file solicitor misconduct Lawyer never Filed. January 12, 2025 as a Sunday my lawyer called me said solicitor James Edward Hunter offered you an illegal sentence 3 OR 4 more years Home Detention and if I violate one time I get 20 years in Prison I PLEADED with my attorney I wanted hear my lawyer told me January 27, 2025 I start TRIAL, 15 Days away with 0 preparation I asked about my pre-trial motions I Filed, my lawyer stated "There not gonna heard your first

On the trial docket January 27, 2025! Telling me if I lose I get 35 years. 30 for attempt murder, 5 years for a gun I never had.

I told my lawyer "I'm scared, my rights are being violated" "NO Due Process NO Specious Trial" what about a 6 or 4 7 I don't want 30 years, I'm scared to go to trial O preparation in 15 days!

January 13th pass next day at 4:30pm lawyer "Emails me January 14, 7pm you get sentenced January 14, 2025 at court house I told my lawyer I did not want to sign I'm scared, I feel pressured I know nothing about South Carolina Law. My lawyer left at room came back and told me "Just sign it you can file a motion to take Plea Back January 24, 2025 you can explain to judge about your rights being violated and anything else the judge will take in account because your not sentenced your just taking a plea like you did when you first was arrested!"

I signed, January 15, 2025 put motion to take plea back. Explained everything to judge as in my transcripts judge denied my motion. My lawyer quit my case, NEVER spoke up for me kept my \$12,000 judge sentenced me to 7 years with 85%, 1061 days credit, I was handcuffed, lawyer walked off never seen or heard nothing from him. Prior to being handcuffed I asked my lawyer Zachary Farr to file my appeal for

"Violation of My Due Process"

"Violation of My Right TO Speedy Trial"
and I was being "ineffective counsel" I paid
\$12,000 For a Bail, and Sentence I was forced to
take cuz I was scared being I was a
Black man from New Jersey who didn't know
South Carolina law going through All my
Rights being violated I knew if I went to
trial January 27, 2025, "Zero" Preparation, 15
Days after January 12, 2025 my lawyer would
not represent me properly and I was broke
took my money couldn't afford another attorney.

I AM APPEALING my Sentence
ON THE Grounds of ME BEING FORCED
TO TAKE A Sentence out of FEAR OF
NOT Represented Properly, Violation of
My Due Process & Violation of my Speedy
Trial. With All Due Respect I AM requesting
my Sentence be VACATED AND CASE DISMISSED
FOR Violation of my AMENDED Rights.

I Requested A copy of My "Speedy Trial"
Motion Filed Week of January 31, 2024 Also
I Requested A copy of My Motion to Dismiss
the Motion Filed October 30, 2024 Week of and
my lawyer NEVER sent to me. Lastly I
Asked my Lawyer For Judge Kelley transcripts
July 2023 because Solicitor James Edmund
Hunter was lying to the Court stating "The
Victim was living in West Virginia" the
Entire time victim was living in "East
Carolina College" Solicitor said that's why NO
TRIAL. Respectfully I AM ASKING the courts
to UNACQUIT sentence AND DISMISS charges due
to violation of my "AMMENDED RIGHTS
"Due Process" and "Violation of Speedy Trial
And ineffective counsel"

Sincerely,

Amirad Irby #296313
Kirkland Reception & Evaluation Center
Unit (R1A/1813)
4344 Broad River Rd.
Columbia, SC 29210-4010

* ATTACHED: Copies of Motions Filed From
January 2024 - October 2024 Solicitor Refused to
hear... aka "SPEEDY TRIAL Motion" Filed Week

of January 31, 2024 and "Motions to Dismiss"
Filed WEEK October 30, 2024 Not present in
this letter my attorney refused to mail me
copies of:

Motion to change venue - 7/1/2024

Motion to Dismiss - 7/1/2024

Motion to Amend Bond - 10/30/2024

Motion to Be Released of Counsel - 1/16/2025

Missing Motions

Speedy Trial motion - 1/31/2024

Motion to dismiss (second motion) - 10/30/2024

NONE were Heard in the court of
-AW.

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MAR 03 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

IN THE COURT OF GENERAL SESSIONS
OF THE SEVENTH JUDICIAL CIRCUIT

NOTICE OF MOTION AND MOTION TO
DISMISS: LACK OF ID AND TIMELINE
IMPOSSIBLE TO COMMIT CRIME

STATE OF SOUTH CAROLINA)

v.)

Armad Rashad Ali Irby,)

DEFENDANT.)

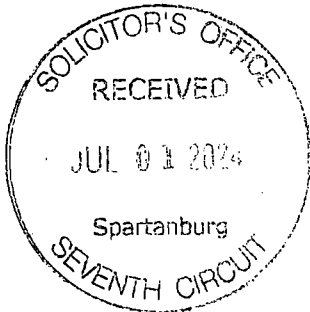
CHARGE: ATT. MURDER/WEAPON
WARRANT: 2022A4210201094 - 1095

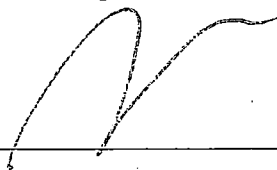
COPY

YOU WILL PLEASE TAKE NOTICE that the Defendant in the above captioned matter, through his attorney, will move before the presiding judge for a dismissal of the charges on the following grounds:

Counsel for the Defendant, Armad Rashad Ali Irby, respectfully requests that the Court dismiss the above charge on the grounds that the Defendant was not identified by any witnesses and/or victim and/or the timeline of the events are impossible the above defendant to have committed the crime.

Respectfully submitted,





J. Zachary Farr #100925
Victoria Law Firm, LLC
1725 John B. White Sr Blvd
Spartanburg, SC 29301
P 864-707-2551
F 864-707-2552
Attorney for Defendant

AMY W. COX
CLERK OF COURT
SPARTANBURG COUNTY
2024 JUL -1 PM 2:39

FILED

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)
STATE OF SOUTH CAROLINA)
VS.)
Armad Rashad Ali Irby)
DEFENDANT)

IN THE COURT OF GENERAL SESSIONS
FOR THE SEVENTH JUDICIAL CIRCUIT

NOTICE OF MOTION AND MOTION
TO AMEND BOND: Remove HD

WARRANT NUMBER(S):
2022A4210201094/ 2022A4210201095

TO: Solicitor Office and Home Detention

YOU WILL PLEASE TAKE NOTICE that on the week of November 4, 2024 at 9AM or as soon thereafter as it may be heard, the Defendant, through its undersigned attorney, will move before the Presiding Judge for the Court of General Sessions for Spartanburg County, for an order to Amend the Bond Conditions to have Home Detention removed on the above-enumerated charge, at a hearing at the Spartanburg County Courthouse, 180 Magnolia Street, Spartanburg, South Carolina.

We are seeking the court for an Order to Amend the Defendants bond by having the Home Detention removed on the above-enumerated charges.

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OCT 30 2024

Solicitor's Office

January 30, 2024
Spartanburg, SC

I SO MOVE:



J. Zachary Farr, Bar # 100925
Victoria Law Firm, LLC
O: (864) 707-2551
F: (864) 707-2552
E-Mail: jzachfarr@gmail.com

FILED
2024 OCT 31 AM 10:55
CLERK OF COURT
SEVENTH JUDICIAL CIRCUIT
SPARTANBURG, SC

| | |
|---------------------------|--|
| STATE OF SOUTH CAROLINA) | IN THE COURT OF GENERAL SESSIONS |
| COUNTY OF SPARTANBURG) | FOR THE SEVENTH JUDICIAL CIRCUIT |
| STATE OF SOUTH CAROLINA) | |
| VS.) | NOTICE OF MOTION AND MOTION |
| Armard Rashad Ali Irby,) | TO BE RELIEVED OF COUNSEL |
| DEFENDANT) | WARRANT NUMBER: 2022A4210201094 - 1095 |

COPY

TO: The Honorable Judge J. Derham Cole, Jr., Solicitor James Eddie Hunter, Spartanburg County Home Detention

YOU WILL PLEASE TAKE NOTICE that on the January 24, 2025 at 9AM or as soon thereafter as it may be heard, the Defendant, through its undersigned attorney, will move before the Presiding Judge for the Court of General Sessions for Spartanburg County, for an order releasing counsel as attorney of record on the above-enumerated charges, at a hearing at the Spartanburg County Courthouse, 180 Magnolia Street, Spartanburg, South Carolina.

This motion is based upon the fact that Defendant, Armad Irby, stated on January 15, 2025 that "he was forced to take a plea", "his rights have been violated", "failure to give defendant an opportunity to review discovery and parts of discovery was missing" and "forcing defendant to take an illegal sentence". Due to the fact the above client is accusing myself of not being competent as his counsel. Under South Carolina Professional Conduct rule 1.16, I can file the above motion to withdraw from counsel for Armad Irby: (b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if: (1) withdrawal can be accomplished without material adverse effect on the interests of the client; (4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement; or (7) other good cause for withdrawal exists.

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JAN 16 2025

Solicitor's Office

2025 JAN 16 AM 11:08

FILED

ARMAD JBY, SCDC # 396313
Kirkland & Reception Evaluation Center / Unit B1A / 18B
4344 Broad River Rd
Columbia, SC 29210



RECEIVED
FEB 27 2025
Kirkland R&E Center
Mailroom

RECEIVED
MAR 08 2025
SC Court of Appeals

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

