

STATE OF SOUTH CAROLINA  
IN THE SOUTH CAROLINA COURT OF APPEAL  
INDICTMENT NO: 2010-GS-10-4182

THE APPELLANT'S BRIEF  
EXHIBIT A  
November 6, 2013

STATE OF SOUTH CAROLINA, RESPONDENT

VS.

ERICA BUTTS, APPELLANT

RECEIVED

NOV 12 2013

SC Court of Appeals

GROUND (1) The Appellant States that counsel was Ineffective in her Representation and Presentation of her case. The Appellant states that she was prejudice by counsel's legal advice on the merits of entering her Guilty Plea... the Guilty Plea was based on a Promise of 20 years. This Brief is as follows

The counsel was Ineffective for Failing to have the Guilty Plea Agreement signed and enter as evidence of proof, that the solicitor made an agreement to a cap sentence of (20) years in exchange for the Gulty Plea.. Quoting case Law. Sherry-V-State, 300, S.C. 115,386,5,E. 2d. 624. In- Cherry-V-State,

The Supreme Court held that counsel's conduct was below the Realm of Professional conduct and that the Petitioner was Prejudice by counsel's performance.

GROUND (2) LIMINE (Guilty Plea Agreement) Quoting-GIBSON-V-STATE, The Supreme Court, held that Gibson, Guilty Plea was Involuntary, because the Prosecution failed to Informed Applicant and his counsel, than an (Eye-Witness) changed her story after being brought to the crime scene and confronted about the obstructed... The Appellant states that she

was prejudice by the counsel's failure to Informed the Court on the onset and during her closing argument's that a Plea Agreement was established by both parties, on a 20 year Plea Agreement.

What the counsel on agreement with the solicitor did was entered a GAG ORDER to conceal the PLEA AGREEMENT of 20 years, and concluded to Prosecute the Appellant without informing the court of the Plea deal. Pursuant to 18.U.S.C.A. 1503, 1504 Model Penal Code .224, 4, 1506, 2071, 2073, It is a crime under Federal Statute, for a person, knowingly that, he has no privilege to do, to deceive or injure anyone or to conceal any wrong doing, to tamper with A Plea Agreement and corruptly Persuasive the Appellant to Plead Guilty knowing that the Plea was not officially signed, but was based on deceit. The Autopic evidence of the plea agreement was LIMINE out of court; making it appear as the Appellant was Pleading Guilty without any negotiation or Plea Agreement. For Example: In ANDERSON-V-STATE, 342 S.C 54, 535. S.E.2d 649.(2008) The Supreme Court, held that, a defendant indicted for murder may accept Plea bargain and Plead Guilty to voluntary manslaughter, even though, the facts do not support a lesser charge. The Appellant's Guilty Plea cannot be founded as freely and voluntarily giving of the Appellant knew she would have received a life sentence, she would've gone to trial, and if she had known that, her Guilty Plea was invalid, based on the fact, that she did not sign a Plea Deal, she would not have Plead Guilty. Because, solicitor and counsel concealed the Plea Agreement and failed to disclose of the Plea Agreement in open court, the Plea is therefore deemed involuntary, based on Promise and advice of counsel, to plead guilty.

#### Quoting Case Laws

Brady-v- Maryland. 373 U.S. 83.S. CT, 1194,10 L. ED. 2d. 215 In-Brady-v-Maryland., The Supreme Court ruled, that Guilty Plea was rendered Involuntary based on the State's Failure to disclose exculpatory evidence.

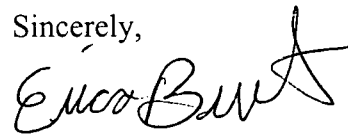
Quoting Gibson-v-State: Quoting Rollinson-v-State Om Rollinson, the defendant Plead Guilty to second offense drug charge at the same time, as first offense charge as a part of the plea negotiation, to drop three other charges.

Chapter 13 21 of title 24: 1/4 time Parole eligibility, the counsel was ineffective for failing to raise the issue of this statute, which is a subchapter relating to criminal domestic violence chapter under this statute, the Appellant was entitled to have her charge reduce to . C.D.V as well as, (1/4) one fourth time with parole eligibility every year which should've been a factor on her Guilty Plea.

Final Conclusion:

The Appellant's counsel violated her 6<sup>th</sup> and 14<sup>th</sup> Amendment State and Federal civil protective rights to due process and equal protection under the law. Both co-defendants were represented by the state's Public Defender's office. Therefore charges should've been of a lesser included the above.

Sincerely,

A handwritten signature in black ink that reads "Erica Butts". The signature is written in a cursive style with a large, stylized initial "E" and a long, sweeping tail on the "t".

Erica Butts

STATE OF SOUTH CAROLINA  
IN THE SOUTH CAROLINA COURT OF APPEAL

INDICTMENT NO:2010-GS-10-4182  
APPELLANT NO:2013-000218  
A GUILTY PLEA CONTRACT  
EXHIBIT B

STATE OF SOUTH CAROLINA, RESPONDENT

VS.

ERICA BUTTS, APPELLANT

The Appellant submits the Guilty Plea Contract as fact finding and mitigating evidence of fact of the Guilty Plea being made in violation of Due Process of Law.

The Appellant's Guilty Plea was based on Defense Counsel, Solicitor in acting over the case, with mother as third party to enhance the Guilty Plea; However, the agreement wasn't in writing, It was based on a promise of here say evidence, Pursuant to F.R.C.P. Rule 801 a and enter in open court as evidence to show that the Guilty Plea was agreed upon by all parties, as well as, with the Guilty Plea being signed, dated, and stamp with the clerk of courts official letter head and seal in lieu of it being in Discovery evidence. Absence of Guilty Plea in the Discovery evidence used at trial, would be of a fact, that the Guilty Plea was coerced.

Sincerely,



Erica Butts

SWORN TO AND DESCRIBE BEFORE ME  
ON THIS 6<sup>th</sup> DAY OF NOVEMBER 2013  
NOTARY PUBLIC FOR THE STATE OF SOUTH CAROLINA

Victoria R. Padgett

MY COMMISSION EXPIRES 8-25-2015

STATE OF SOUTH CAROLINA  
IN THE SOUTH CAROLINA COURT OF APPEAL

INDICTMENT NO:2010-GS-10-4182  
APPELLANT NO:2013-000218

STATE OF SOUTH CAROLINA, RESPONDENT  
VS.  
ERICA BUTTS, APPELLANT

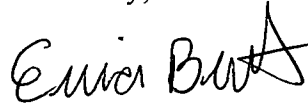
---

AFFIDAVIT OF SERVICE

---

I Erica Butts declare under penalty of perjury that I have served the attorney General's office, with a motion to amend or supplemental of Record and Pleadings Pursuant to S.C.R.A.P. Rule 211 b.

Sincerely,



Erica Butts

SWORN TO AND DESCRIBE BEFORE ME  
ON THIS 16<sup>th</sup> DAY OF NOVEMBER 2013  
NOTARY PUBLIC FOR THE STATE OF SOUTH CAROLINA

Vivian R. Padgett

MY COMMISSION EXPIRES 8.25.2015

STATE OF SOUTH CAROLINA  
IN THE SOUTH CAROLINA COURT OF APPEAL

INDICTMENT NO:2010-GS-10-4182  
APPELLANT NO:2013-000218  
MOTION TO ALTER THE JUDGEMENT  
PURSUANT TO FEDERAL R.C.P  
RULE 59A; F.R.C.P. RULE 60

STATE OF SOUTH CAROLINA, RESPONDENT

VS.

ERICA BUTTS, APPELLANT

The Appellant files this motion to alter the Judgment. Pursuant to Fed. R.C.P. Rule 59  
@:Federal Rule C.P Rule 60.

The Appellant can show that she was deprived of her State and Federal Civil Protective  
Rights to adequate representation, in the preparation and the Presentation of her Defense.

Defense Counsel's breach of the Attorney and Client Doctrine was violated. Counsel  
failed to use the Bill of Rights to Protect and represent her client to the best of her ability,  
Counsel was deficient in her performance to the fact, that such as falls within the realms of  
Prejudice, and a grossly manifestation of denial of Due Process of Law. The United States  
Supreme Court held that breach of Plea Agreement or if Defendant plead guilty on advice of  
counsel and the government breaks its promise, then the Guilty plea, would've been made under  
false Pretense absent a Plea Agreement being signed by the Defendant, Counsel and Prosecution.

SWORN TO AND DESCRIBE BEFORE ME  
ON THIS 6<sup>th</sup> DAY OF NOVEMBER 2013  
NOTARY PUBLIC FOR THE STATE OF SOUTH CAROLINA

Vikki R. Padgett

MY COMMISSION EXPIRES 8.25.2015

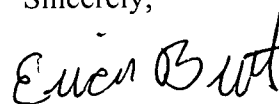
STATE OF SOUTH CAROLINA  
IN THE SOUTH CAROLINA COURT OF APPEAL

NOTICE OF INTENT TO APPEAL  
PURSUANT S.C.A.C.R.  
RULE 203  
INDICTMENT NO:2010-GS-10-4182

STATE OF SOUTH CAROLINA, RESPONDENT  
VS.  
ERICA BUTTS, APPELLANT

The Appellant files this Notice of Intent to Appeal, Guilty Plea Sentence. Appealing the Honorable Judge, Deadre L. Jefferson's Sentence of life Imprisonment.

Sincerely,

A handwritten signature in black ink that reads "Erica Butts". The signature is written in a cursive, slightly slanted style.

Erica Butts

Chief Solicitor  
101 Meeting Street 5<sup>th</sup> Floor  
Charleston, SC 29401

South Carolina Court Of Appeals  
P.O Box 11629  
Columbia S.C 29211

STATE OF SOUTH CAROLINA  
IN THE SOUTH CAROLINA COURT OF APPEAL  
APPEAL FROM CHARLESTON COUNTY  
HONORABLE DEADRE L. JEFFERSON  
INDICTMENT NO: 2010-GS-10-4182

STATE OF SOUTH CAROLINA, RESPONDENT

VS.

ERICA BUTTS, APPELLANT

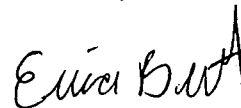
---

CERTIFICATE OF SERVICE

---

The Appellant hereby certify under penalty of perjury that, a true copy of the notice of Intent of Appeal has been served upon opposing counsel, throughout the U. S Mail on this 6th Day of November 2013, at his office Solicitor. 101 Meeting Street 5<sup>th</sup> Floor Charleston, SC 29401.

Sincerely,



Erica Butts

SWORN TO AND DESCRIBE BEFORE ME  
ON THIS 6<sup>th</sup> DAY OF NOVEMBER 2013  
NOTARY PUBLIC FOR THE STATE OF SOUTH CAROLINA

Wibie R Padgett  
MY COMMISSION EXPIRES 8.25.2015

STATE OF SOUTH CAROLINA, RESPONDENT

VS.

ERICA BUTTS, APPELLANT

Agreement made this 6<sup>th</sup> day of June 2013 between and among the state of South Carolina as represented by Deputy Solicitor 5<sup>th</sup> Judicial circuit and the defendant.

In consideration of the mutual agreement promises made herein the parties hereto agree as follows:

1. The defendant agrees to Plead Guilty to the following Indictment Both the state and defendant remains free to be heard concerning sentencing within this range
2. Upon the court acceptance of the Defendant guilty Plea as detailed in Paragraph 1. Sentencing shall be deferred until the prosecution of co-defendant is completed.
3. In exchange for defendant's Guilty Plea. The state agrees to dismiss the following Indictment
4. The defendant agrees to provide complete and thorough cooperation to the solicitor's office and all involved law enforcement agencies, including giving true and honest testimony, at any Appellate Judicial proceeding.
5. The defendant further agrees that her hand written statement, given to Investigator in her attorney's presence is true & correct.
6. Further, If deem appropriate by the prosecutors this agreement is contingent upon defendant passing a polygraph (Lie Detector) test to the satisfaction of the Prosecution.

7. The state defendant argue that this agreement remains, enforceable, in the event that the charges against the co-defendant's are resolved in such away, as to not require the testimony of the defendant provided by the defendant.
8. In the event that the defendant withdraws her plea the defendant's Plea Agreement shall be vacated and the state will pursue all charges it deems appropriate. The defendant cannot withdraw her plea, after she formally enters her guilty plea in General Session Court.
9. In the event that the defendant does not comply with the conditions of this plea agreement, at anytime following her guilty plea to the charges listed in paragraph (2) her guilty plea shall remain in effect and she will be subject to the full penalty of each charge in the discretion of the court, upon such breach of this plea agreement, the maximum (25) years cap will no longer apply and the state may restore all Indictments dismissed pursuant to this Plea Agreement and prosecute the defendant accordingly.
10. The parties hereby argue that this Plea agreement contains the entire agreement to the parties and this agreement may be codified only in writing

Sincerely,



Erica Butts

STATE OF SOUTH CAROLINA  
IN THE SOUTH CAROLINA COURT OF APPEAL

---

STATEMENT OF FACT

---

The Appellant Plead Guilty on advice of counsel. Appellant's counsel informed her that she would get her a deal, 20 years cap for her Guilty Plea. The Appellant was told by counsel, to enter an Alford Plea, because of Co-defendants Guilty Plea. Basically, the attorney manipulated the Appellant to Plead Guilty, without signing the proper Guilty Plea, Agreement by the State. Therefore, the Guilty Plea was render involuntary and was based on fraud by attorney, who used the Appellant's mother as a co-partner to obtain a Guilty Plea. However, there is no contractual agreement signed. The Appellant's counsel, failed to ask for a modification on the 20 years whereas the Appellant would be allowed to have a yearly parole hearing.

Final Conclusion:

Attorney violated the Appellant's 14<sup>th</sup> Amendment Rights to due process of law and falsely represented her, and deprived her of fundamental fairness guaranteed to her under the federal Real, by the U.S Constitution counsel failed to inform the trial Judge of the Plea Agreement made by the state, in lieu of the Guilty Plea. Applicant was prejudice by counsel's ineffective assistance.

Sincerely,



Erica Butts

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA, RESPONDENT

VS.

ERICA BUTTS, APPELLANT

In the General Sessions Court

5<sup>th</sup> Judicial Circuit

Exhibit C

November 6, 2013

---

AFFIDAVIT OF DEFENDANT FOR  
GUILTY PLEA

---

The defendant states to the court, that the Defendant wants to Plead Guilty to the following charges.

A.B.H.A.N (C.D.V Chapter 13 21 of Title 24) (17-20-30) Intoxicants

The negotiated Plea Agreement is as Follows:

Time Served (20) Years

In Connection with the Plea, I certify that the answers to the following questions are true,

- 1) Have the charges been explained to you by your lawyer and do you understand the element of every charge?
- 2) Have you and your lawyer discussed the possible defense if any to the charge?
- 3) Are you satisfied with your lawyer legal service?
- 4) Do you understand that, you have a right to Plead Not Guilty and be tried by a Jury?
- 5) Do you understand that you have a right to remain silent, which is the right against self Incrimination?
- 6) Do you understand that you have the right to cross examine witnesses against you?
- 7) Do you understand that you have a right to a jury trial for a jury to determine whether the state has proved beyond a reasonable doubt?

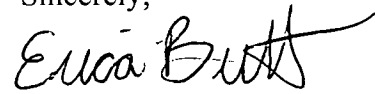
NOV 12 2013

SC Court of Appeals

Page 2  
November 6, 2013

8) Do you understand that, if you plead Guilty you have a right to appeal the sentence within 10 days.

Sincerely,

A handwritten signature in black ink that reads "Erica Butts". The signature is written in a cursive style with a long, sweeping flourish extending from the end of the name.

Erica Butts