The Court of Appeals
1015 Sumter St
Columbia, S.C 29201

January 6, 2014

RE: Letter of Explaination

Appellate Court:

In regards to Rule 203, I'm submitting this letter explaining why I'm seeking appeal with this court. However, the institution of Kirkland R+E has deprived me of a fair opportunity to adquately argue my appeal. As "Policy", I'm not allowed law library access for an appeal as an intake inmate. On Dec 18, 2013, I presented the Law library clerk with Rule 203 and my appeal file. I informed here that I had 120 days to write a letter to this court and that legal citation was required to support the letter. After reviewing my file she denied me access, and informed me that policy states I can not search for case law for appeals. The deprivation of the law library has critically thwarted my cability to support my issues with legal citation. Of course, I'm not an attorney and I'm a laymen of the law, nonetheless I did my best in explaing the facts and elements of my arguement without legal aid.

I respectfully ask this court to be mindful of the circumstances. I'm certain the appropiate legal authority will be gathered when I'm granted law library access or if I'm appointed an attorney. I'm also currently grieving the institution's unlawful policy against Pro Se Appeallants.

I raised most of issues of this appeal with my attorney throughout my entire case, however he did nothing in return. I did raise several of my issues with the lower court by file my own motions. My motions were never honored, however they should be on file. Futhermore, the issues of my appeal begin with arguements that the evidence was insufficent regarded the offenses. In addition, my arguement continues that insufficent evidence was then misused to convict me of unlawful enchancments and statues. And finally the arguement concludes that my attorney abandoned his professional duty to adquately defend me of the errors and accusations.

In conclusion, my primary concern is that my letter is denied because of the lack of legal citation. The few citations that are including came from some old notes that I had before the convictions. I hope the court considers my stated circumstances. and I pray that any notice of appeal is granted upon review of this letter.

Respectfully,
V. Rice

Vincent Rice #314178
Appeallent
Kirkland R+E C1-43
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P.S. After filing a complaint, the law library clerk did allow me access on Dec 30 and 31st. It was for an hour each day. this attempt still did not allow me adquate time are means to argue my appeal

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SC Court of Appeals

ISSUES FOR APPEAL - CONTENTS OF APPEAL

A.1 Insufficent Evidence and Insufficent Chain of Custody Pg. 2

State v. Hatcher 681, S.E 2d 925 - Reversed decision due to "missing links" in the lab analysis.

Furthermore the case states: A party offerring into evidence fungible items such as drugs must establish a complete chain of custody as far as practicable.

S.C courts have consistently held that all persons in the chain of custody must be indentified and the manner of handling the evidence must be demonstrated.

Also, when "the substance has passed through several hands the evidence must not leave it to conjecture as to who had it and what was done with it between the taking and the analysis.

In case # 12-04221, the Marijuana was a "missing link" and was incomplete in the chain of custody

In case # 11-36357, the dates are inconsistent and the chain of custody is incomplete. These documents were not present in my orignal Rule 5, Disclosure of Evidence.

In case # 12-04221, Daniel Alonzo states he seized the alleged narcotics due to an arrest warrant on the Intial chain of custody sheet.

The arrest warrant allegeds two bags of cocaine was found, the lab analysis states one bag of crack was found. Provision 44-53-110 states, crack is a chemical alteration of cocaine made suitable for smoking. Therefore their not the same. The evidence was insufficent due to the invalid chain of custody

B.1 Illegal Sentence and Unlawful Enhancement Pg. 3

The Appeallant was imposed with 17-25-45 and the offenses were labeled as serious. The prosecution stated in open court on Nov 3, 2013, that she was fully prepared to pursue life without parole, however neither me or my attorney was served a "Notice" within ten days of being on the trial docket. According to provision 44-53-110 and 44-53-370, and the alleged physical evidence along with the Appeallant's prior record; the penalities should have not been imposed.

C. Denial of a Fast and Speedy Trial Pg 4

The Appeallant asserted his right to a Fast and Speedy Trial with the court in Aug of 2012. The Appeallant was in-between counsel, Mark Sawyer had withdrew from the case, and Mr. Chaplin was appointed in Sept 2012.

It is understood that the State of S.C does not honor "Pro Se" motions or hybrid representation. However, if the counsel refuses to request a speedy trial, does the client's right or wish to exercise the right go unconsidered? Does a client lossess his constitutional rights when he is appointed counsel? The court did not honor the Appeallant's motion for a Fast and Speedy Trial.

D.1 Unconstitutional Statue or Unlawful use of Statue Pg. 5

According to S.C Title Code of 44-53-370 P.W.I.D, the alleged physical evidence against the Appeallant did not reach the Quantity or Threshold amount of P.W.I.D offenses. Neither was their "sufficent indicium to support" the offense of P.W.I.D; meaning there was no evidence or intent that the Appeallant attempted to deliver to a dependant for profits. There was no mens rea. "Intent", is the purpose to use a particular means for a certain result. Intent is the essential element in a crime blackstone.edu. There was no intent the Appeallant was distributing narcotics. The provisions of 44-53-110, clearly defines "dispense", distribute and delivery.

E.1 Vindictive Prosecution P. 6

Vindictive Prosecution is defined as: The practice of singling a person out for prosecution under a law or regulation because the person has exercised a constitutionally protected right.

1.1 When the Appellant exercised his constitutional right to examine the chemical lab analysis, the prosecution retaliated by making it known that "all deals were off" if he pursued the documents.

2.1 When the Appellant exercised his right to make bail, the prosecution retalitated by moving to revoke his bond on Nov 3, 2017. The prosecution revoked the bond after the Appellant made it known his family would bail him out before Christmas.

3.1 When the Appellant exercised and expressed his right to a trial, the prosecution made it known if he made that decision, he would be tried seperately for each offense and consecutive sentences would be demanded.

The prosecution also made it known they intended to prosecute the Appellant to "life without parole" (17-25-45), if he went to trial. However, the Appellant was not served a "notice" as required by law. The General Assembly states: Where the solicitor, seeks or determines to seek sentencing of a defendant under the section 17-25-45, a written notice must be given by solictor to defendant and defendant's counsel not less than ten days.

F.1 Double Jeopardy Pg. 7

Double Jeopardy is defined as: The fact of being prosecuted twice for substantially th same offense. This is against the 5th Amendment.

I plead to P.W.I.D and P.W.I.D Proximity offenses which was substantially the same offense.

This was also double pleading, and duplicity which is defined as: The pleading of two or more distinct groups of complaint of defense for same issues.

G.1 Continued Issues of Appeal

See page 8.

A. Inefficetive Assisant of Counsel

See pg 9-10

A.) Insufficient Evidence and Insufficient Chain of Custody - Issues of Appeal

This issue specfically regards warrant #'s (DP12117, DP12118, DP12073, DP12074, DP12075). The evidence of these ~~~~ offenses are baseless and was mishandled, as a result these offenses should not have been indicted into the 5th circuit court and neither was merit for convictions.

I must point out that the orignal arrest warrant #'s for the above offenses were (M985979-983). The orignal arrest warrants were dismissed in the pre-liminary hearing and I was never served the new warrants above.

A-1.) Insufficent Evidence - Element of Arguement

The basis of the insufficent evidence issue begins with warrant #'s (DP12073, DP12117), which consist of the P.W.I.D Marijuana and Marijauna Proximity offenses. The orignal arrest warrant (M985980), states the arresting officer K. Williams, found a positive feild test of Marj that weighed 10.7 grams, After a review of the Initial Chain of Custody of the evidence dated on Jan 25, 2012, it should be noticed the same alleged 10.7g of Marj was not submitted into the evidence locker by Daniel Alonzo. Approx. 20 months later, on Sept 19, 2013, the alleged narcotics were removed from the evidence locker and submitted to Sled, for a Drug Analyst Request by Daniel Alonzo. It should be noticed the 10.7g of Marj was also non-existent on this document. The documents will show the Marj was neither submitted or withdrawn from the evidence locker on Sept 19, 2013. However, I recieved a very suscipious lab analysis of Marj with my recent appeal file. It states the test were conducted on Sept 19 also, and that the Marj weighd not 10.7 grams as stated in the warrant, but 13.1 grams. This is the first time I've seen this document, It has raised serious questions. Why isn't the Marj including on the chain of custody sheet? Why wasn't it submitted into the evidence locker on Jan 25, 2012? Why (20) months to request a lab analysis? If it wasn't withdrawn from evidence on Sept 19, how was it tested on Sept 19, 2013? Where exactly did it reapper from? Is this the same alleged Marj from the incident in the warrant? Why is the weight amount considerably more than the inital amount of 10.7g? The orignal warrants, and the chain of custody supports these facts and proves the evidence to be insufficent regarding the offenses.

A-2 Insufficent Evidence - Continued Arguement

The arrest warrant of P.W.I.D cocaine (M985982), states on Jan 25, 2012, two baggies of white powder substance was found. The warrant further states the substance field tested positive for cocaine and weighed 1.7 grams. However, the chemical analyst results from Sept 19, 2013, states one bag of 0.5 grams of crack was found. The lab results are very inconsistent from the allegations in the arrest warrant. First, the lab results states that one bag containing a illegal substance was found not two. Secondly, 0.5 grams is a very dramatic weight difference from 1.7 grams. Finally, the results states that .5g of crack was found not 1.7g of cocaine. Crack is not the same chemical ~~substance~~ compound as cocaine. The texture of crack is like a rock and is not a powder like cocaine, therefore it's hard to confuse the two. However, the arrest warrants, indictments and lab analyis don't agree with the weight and chemical compound of the substance. It should be considered if the same alleged 1.7g of cocaine was the same substance ~~found~~ tested on Sept 19, 2013. The records can prove the evidence was insufficent in supporting the offenses.

Futhermore, the same above stated inconsistencies were presented before the Grand Jury. The evidence did not support the statues of P.W.I.D. The arresting officer K. Williams, lead the Grand Jury to believe that I possessed the specfic substances and quantity amounts as stated in the warrants, however, the delayed lab analyis are evident discrepancies.

Closing Argument

All the drug offenses from the Jan 25, 2012 incident relied on insufficent evidence. It should be considered that all the substances tested on Sept 19, 2013, are not the same substances from the incident on Jan 25, 2012. It is possible the ~~~~ alleged narcotics from Jan 25, 2012, were immediately destroyed after the dismissal of the offenses in pre-lim on Feb 27, 2012 and were later replaced when I demanded to see a chemical analysis. The extended time delay of a SLED drug analysis supports this, as well as the obvious discrepancies. This gives merit that the evidence was "tampered or mishandled". I ask the court to review this issue for appeal.

INVT
TRCVT

B.1 Illegal Sentence and Unlawful Enhancement - Issue of Appeal

I have been sentenced to seven years in the Department of Corrections. My sentence has been labeled as a serious offense and I'm required to do 85% of the sentence with no eligibilty of parole. I have also recieved a strike against me. The mandates of my imposed sentence is illegal because the offenses were unlawfully enhanced for the purpose of imposing the harsher penalities of no parole, etc., that are requirements for such enhancements. The disclosure of evidence of my case file along with my prior drug convictions, will prove the sentence and penalities imposed are illegal due to unlawful enhancements.

B-1.1 Unlawful Enhancements - Element of Arguement

The unlawful enhancements are the underlying cause for the imposed illegal sentence. My past drug convictions of lesser offenses were manipulated and changed into harsher offenses to support the wrongful enhancements within this appeal. All of the drug convictions of Dec 3, 2013, were unlawfully enhanced with the exception of the two controlled substance convictions (warr#'s DP12075, KG90310). Even the "Insufficent Evidence", that was used to support the convictions, suggest that I should have not been imposed the harsh penalities of my sentence.

The examples of the unlawful enhancements are as follows: On Dec 3, 2013 I was convicted of P.W.I.D cocaine 2nd and P.W.I.D Marijuana 3rd offense. These enhancements are in error, because to my knowledge, I've never been convicted of P.W.I.D cocaine 1st neither P.W.I.D Marj 1st or 2nd offense. Allow me to say, I have been arrested to P.W.I.D cocaine in the past however, I plead to a reduced offense of possession and also possession of controlled substance. As for the Marj 3rd; I have plead to simple possession of marijuana in the 5th circuit court before, but how did it just become a P.W.I.D 3rd offense all of a sudden? According to the S.C Code of Laws, Possession With the Intent to Distribute is not the same as Simple Possesion. However, the procescution changed my past simple possessions and controlled substances and presented them to the presiding Judge as P.W.I.D 2nd and 3rd offenses. Can the procescbtion take a past conviction of CDV and up it to an attempted murder conviction years later? This same argument applies to my case. My past and current convictions were unlawfully enchanced, causing illegal imposed penalities versus the basic evidence throughout my record and casefile.

In addition it should be noticed, several of my past drug offenses were expunged and dismissed. However, these offenses are still present on my criminal report as arrest offenses, they were not convicted and were dismissed or "thrown out" for various reasons. However, the report has them present as the orginal offenses. If these offenses were dismissed by the courts then they should not appear on the reporty or at least appear as "dismissed or expunged". This is not the case. The expunged offenses should have been omitted from my rap sheet, and as a result, the procescution should have not been allowed to use the "dismissed" offenses in court proceedings or to enhance current drug convictions. This all supported my illegal imposed penalities of one strike, no parloe, 85%, and two years supervision. I ask this court to review this issue for appeal.

C.) Denial of Constitutional Right of a Fast and Speedy Trial - Facts of the Issue

The right to a Fast and Speedy Trial is a 6th Amendment Right that is protected by the U.S and S.C constitutions. Federal law also states that a citizen or inmate must "assert" this right in the Court of Law. I asserted my right to a Fast and Speedy Trial by filing a motion with the court on approx Aug 24, 2012. However, my motion and right to a speedy trial was not granted. The charges were previously dismissed in a pre-trial court proceeding, which suggested errors in the case and need to end the case in a timely manner. The procescution had more than enough time to provide me with a speedy trial and should have provided me a Fast and Speedy Trial because I was incarcerated while the charges were pending against me. However, my case was not brought before the court within the time frames and court terms as mandated by the U.S and S.C Laws. I wasn't placed on the trial docket until Dec 2, 2013, which was approx. (16) months after I asserted and filed a motion for a Fast and Speedy trial with the court. The delay proved to be in the advantage of the procescution.

Furthermore, after nearly two years of incarceration, the procescution not only neglected my request of a Fast and Speedy Trial, but also moved to revoke my bond even after such a long duration of incarceration. This prevented me from any possibility of acquiring freedom, by way of making bail to better defend my self against the charges. The combonations of the denial of a speedy trial, and the denial of a bond after two years of incarceration; deprived me of "life, liberty and property" against the U.S constitution.

Closing Argument

As mandated by the U.S and S.C Laws, the procescution had specific court terms and time limits to honor my right to a speedy trial or dismiss the cases. There were no new evidence or missing witnesses for the procescution to obtain, therefore the approx two year delay had no merit. The delay and neglect of my request of a Fast and Speedy Trial, was in the advantage of procescution. The potential witnesses at the site of the incident, are no longer employeed and possibly forgot the details of the incident, the video of the incident could no longer be obtain because of the delay, and finally, I became weary and desperate for my freedom. In conclusion, My right to a Fast and Speedy Trial was willfully violated by the court, against U.S and S.C constitutions and Code of Laws. I ask this court to review this issue for appeal.

D.) Unconstitutional Statue and Unconstitutional or Unlawful use of Statue - Element of Arguement

This issue regards the Possession with Intent to Distribute (P.W.I.D) convictions of my appeal. I was unlawfully charged and convicted of P.W.I.D offenses against the statues and Codes of Laws of S.C. The S.C Drug Litigation Book defines P.W.I.D as follows: The delivery of a narcotic or substance to a dependant, who is dependant upon such substance. "Intent" is carried out by the successful sale of the substance to a dependant for profit. There are no existing statements from informants or law agents, neither is there audio or video survalience indicating that I intended to profit from a delivery of an illegal substance. Therefore, why was I charged or even convicted of P.W.I.D?

More importantley, the code of Laws of S.C defines the statue of 44-53-370 P.W.I.D cocaine as: The 'intent to distribute a quantity of cocaine, it further states the QUANTITY must be 1gram or more to support and litigate a P.W.I.D cocaine offense. The Quantity weight in my case was LESS than the mandated 1gram; so again, why was I charged and convicted of P.W.I.D cocaine? Statue/section 44-53-370 was misinterpated regarding P.W.I.D cocaine.

As for statue 44-53-370, P.W.I.D Marijuana: The Marijuana must have a Quantity weight of 28grams or more to support and litigate P.W.I.D Marj. Anything less than the Quantity of 28grams is a statue 44-53-375, Simple Possesion of Marijuana. these facts can be supported by the statues and codes of Law of S.C. Absolutely none of alleged narcotics within my case met the litigated Quantity amount for statue 44-53-370. The chemical lab analysis from my case file can support these facts as well. There was no merit to charge or convict me of statue 44-53-370.

Closing Arguement

There is no evidence that the narcotics weigh over the Quantity amount to legally support the offense of 44-53-370 P.W.I.D. There is also no evidence of a buyer or a delivery to a buyer for profit. Therefore, the procesecution played the role as "mindreaders", with the allegations of "Intent to distribute", I was unlawfully convicted of statues 44-53-370, in violation of the S.C Constitution and the Code of Laws of S.C. I ask that this court review this issue for appeal

E.) Vindictive and Malicious Procescution - Elements of the Issue

On Jan 25, 2012, I was accused of five drug offenses within proximity of USC. To my knowledge the solicitor in my case, Britton All, attended the same University which was reason for to vindictively pursue procescution regardless of the lack of evidence in the case. On Feb 27, 2012, all five of the drug offenses from the incident on Jan 25, 2012, were dismissed in the pre-liminary hearing proceeding. This fact established that there were traces of insufficient evidence and legal errors in the case. However the procescution still pursued an conviction.

In April of 2012, the solicitor offered me a recommend seven years upon a guilty plea. I declined the offer, and later discovered the solicitor wanted me to plead to offenses that were currently dismissed and had not been indicted. When the recommended sentence was offered, I was unaware that the drug offense had been dismissed, because I was not transported to the hearing from the institution. Therefore, I was uncertain what had happen and why.

As I've stated, it was apparant the offenses was tainted with insufficent evidence and legal errors because of the dismissal. However, between April and July 2012, the solicitor presented the feeble offenses to an unknown composition of Grand Jurors. There is doubt that the Grand Jury was even informed that the offenses had been previously dismissed. The solicitor willfully presented insufficent evidence, because she knew the alleged substances were not tested in a chemical lab to insure the validity of the assumed illegal substances. She also did not present the charges as lesser offenses under the circumstances.

Regardless of supporting evidence, the solicitor pursued convictions of the dismissed offenses because she alone, assumed I was a drug dealer at USC. On a Nov 3, 2013, court proceeding she stated I was a "well known drug dealer" at USC. This was a deliberate and false statement and was used to sway the Judge to her personal assumptions. There was no credible evidence or facts to support that assumption. There are no existing records or statements from any students, staff, informants or any law agents accusing me of any drug involvement at USC. She made this statement to make it appear as if I was a "well known drug dealer." This is why she maliciously pursued convictions of unlawful enhancements of P.W.I.D, and also pursued convictions against Double Jeporady, regarding P.W.I.D Proximity.

The solicitor was furthermore vindictive and malicious for the following reasons. She penalized and threaten me with the maxium penalities because I asserted my right to examine and review the disclosure of evidence. Brady v. Maryland, When I demanded to see the missing lab analysis, I was informed that all deals would be off the table, if I continued to pursue these documents. On Nov 3, 2013, she referred to this incident as "Putting up barriers." She neglected my request for a Fast and Speedy Trial, and instead moved to revoke my bond on charges that were very close to two years old. She prevented me from a opportunity of bonding out of jail after nearly two years and no trial. Therefore She kept me in jail, then asked the judge not to give be credit for two years jail time. It was malicious to revoke my bond after nearly two years, because there was no victim in my case, no law agent recommended to revoke my bond, and the evidence and nature of the alleged crime was not compelling enough to deny me bail after two years. The solicitor also bullied and pressured me into a plea. She masked or mingled the offenses that consisted of weaker evidence with the offenses that had most likely more compelling evidence, within the plea arrangement. I was informed I had to plea to all the pending charges, even though they were from different incidents. I had 10 minutes to make a decision or go to trial after 10 minutes, and she was also going to request consecutive sentences if this was the case. The agreement at first was that I would plea to the offenses before Judge Lee. It was made known to me that Judge Lee would give me a more favorable sentence. However, the solicitor breached this agreement, and change the presiding Judge at the very last minute. I have been in front of Judge Benjamin in four different court proceeding and she has never ruled in my favor. The solicitor knew this that is why she switched judges after I agreed to plea under Alford. This was a Breach of Trust by Ms. Britton All. I ask this court to review this issue for appeal.

F.1 Double Jeopardy - Issues of Appeal

Double Jeopardy is a U.S constitutional right that protects citizens from multiple convictions of one crime. The S.C constitution and state law also protects this right. However, this issue of appeal will prove I was convicted against the constitutional law of Double Jeopardy. The processcution took a single incident or offense and created simultaneous charges from one single incident. State v. Boyd 341. SE 2d

The convictions that Im referring to as Double Jeopardy are: P.W.I.D cocaine and marijuana (warrant #'s DP12074, DP12073) and P.W.I.D Cocaine and Marj Proximity (warrant #'s DP12118, DP12117)

Element of Arguement

The arrest warrant alleges I possessed 1.7g of cocaine, consequently, I was charged and convicted of P.W.I.D cocaine. Double Jeopardy was breached when I was also convicted of P.W.I.D Cocaine Proximity for the very same alleged 1.7g of cocaine. This was substaintally the same offense, which is Double Jeopardy and also double pleading. If I possessed a gold watch in a park, how is it lawful to charge and convict me of possession of a gold watch in a park and simple possession of a gold watch? This same law of Double Jeopardy applies to P.W.I.D and D.W.I.D Proximity.

Furthermore, if the Grand Jury indictments are reviewed it should be noted that the foreperson, Marguart Dickerson true billed the offenses of P.W.I.D cocaine and Marijuana on April 11, 2012. However, the foreperson Jill Koenigs, true billed P.W.I.D cocaine and Marijuana Proximity on July 19, 2012. These offenses came from one single incident, so why two different forepersons. This raises questions. Why was Mrs. Dickerson the foreperson for every offense except for the two proximity offenses? Why [redacted] was Ms. Koenigs used on these two offenses instead of Mrs. Dickerson? Mrs. Dickerson was the foreperson that true billed some of the offenses in March and April, why not July? The fact that Marguart Dickerson didn't singed off on the Proximity indictments suggest that it was unlawful according to Double Jeopardy or Duplicity.

6) Continued Issues for an Appeal - Element of Arguements

The first of these issues begins with reason for the dismissed charges, regarding case # 12-04221. I was not transported to the pre-liminary hearing on Feb 27, 2012, therefore, I have never been certain as to exactly why the offenses were dismissed. However, I have reason to believe the charges were dismissed due to an unlawful search or seizure, or possibly a terry frisk. If this was the case the offenses should have remained dismissed and the convictions are invalid because of 4th Amendment violations. Illegally obtained evidence is not permitted as stipulated by The Fruit of the Poisoniouness Tree Act and the Federal law of the Exclusionary Rule.

The Exclusionary Rule is define as; Any rule that excludes or suppresses evidence that does not satisfy a minimun standard of probative value." Assuring the people - all potential victims of unlawful goverment conduct that the goverment would not profit from it's lawless behavior.

Therefore agents of the law can not break the same law it protects, I surmise the presiding Judge dismissed the offenses due to the unlawful conduct and procedures of the officers. Just because the Grand Jury later indicted the offenses doesn't change the illegal nature ~~than~~ of how the alleged evidence was obtain. The Grand Jury aren't as familiar with the 4th Amendment and the Exclusionary Rules as a licensed Judge.

The second of these issues regards the insufficent testimony of the arresting officer, K. Williams before the Grand Jury. According to the incident report, K. Williams stated that officer Baker allegedly saw me discard a bag. It's made clear in the report that officer Williams never saw me in possession of the alleged bag and neither allegedly seen me toss a bag. However officer Baker didn't write the report, K. Williams did. Consequently, she is listed as the only witness presented before the Grand Jury. How was it possible for her to testify that I possessed a bag that she never saw me with? If she stated that officer Baker allegedy saw me discard a bag and picked it up, shouldn't he have been the witness instead?

Ineffective Assitance of Counsel

Mathias G. Chaplin was appointed as my attorney in Sept of 2012. From the very beginning he proved to be uninterested in the case and facts that supported my innocense. In our intial meeting, I informed Mr. Chaplin to obtain an exisiting video in my favor. The video was vital, it contained the incident of Dec 11, 2011, and would have proven the officer's statements for probable cause was misleading to cover up his unlawful search and arrest. Mr. Chaplin stated he would look into it but he never did. In fact he made no effort to at least review the video, or question the employees who worked on Dec 11, 2011. The video did exist. I spoke with the manager of the store in mid Dec 2011, and she stated the video of the incident could only be obtained by a lawyer. Mr. Chaplin didn't afford me the opportunity. The omitted video was deterimental to my case for trial. The counsel's unwillingness to retain or review a video that was possibly in my favor, suggest Mr. Chaplin's, performance fell below the standard of reasonableness. I would have went to trial with the video.

Furthermore, the counsel failed to investigate the discrepancies and counter attack the insufficent evidence in my case. According to Rule 5, documents such as the lab analysis are to be included in the Brady motion request within (30) days. The lab analysis was non-existent in my disclosure of evidence for approx (605) days. When I stressed my concerns of the fact to Mr. Chaplin he stated, "Im sure they come up with something if they need too, they have jobs to keep." Another time he stated that it doesn't matter if I see the lab analysis, it only matters if he does. It's my constitutional right to examine evidence against me along with the S.C law of Rule 5. When I asked him why were the charges dismissed, he said because the officer didn't show up, I eventually discovered that was false. I'm still uncertain why the offenses were dismissed, he was never clear about it. When I informed him that the quantity or threshold weight for P.W.I.D 44-53-370, did not apply to my case, he stated he had no knowledge of that. In fact he gave the impression that he had no knowledge of my most critical questions. He failed to inform me of the crucial elements of the offenses.

It was obvious Mr. Chaplin was egger for me to exchange my constitution rights for a plea, regardless of the insufficent evidence and legal errors. He said things like, "with your prior drug record, who's going to believe you. On the three occasions that we met, he presistentley focused on my prior drug record, we never disscussed possible defenses. He was determined to convince me to plead, even though I expressed I wanted a trial. He once stated, "You might as well do the time because you aint doing nothing else!"

It occured to me that Mr. Chaplin was without a doubt, Prejudice against me; his advice was not within the compentence demanded for criminal attorneys. Hill v. Lockart, 474, U.S 52, 56, 106. S.Ct. I informed him that I didn't approve of his advice or professionalism and his withdrawal from my case. He moved for a motion to be relieved as counsel, however he was untruthful about the reason of withdrawal. On Nov 3, 2013, Judge D. Benjamin denied the motion, leaving me no choice but to continue to be deprived of an adequate defense.

The counsel did not hide his apparant lack of concern for my case, the facts or the outcome of the matter. He failed to file motions upon my request, such as a motions to dismiss indictments. I eventually filed them myself. Mr. Chaplin told me if I ever wrote motions or the clerk of court, he would withdraw from my case. He was also unprofessional because he constantly instilled doubt, fear and hopelessness into my head. On Dec 3, 2013, he stated, "Your not fit to do 20 years, and there will be pressures that you will yeild to in prison." I feel my attorney coerced me into pleading. I would have went to trial if not for the unprofessionalism and insistences of the attorney Rosoe v. State, 348, S.C 546

I only knew about my trial within 24 hours of the date. My attorney and me had not disscussed a defense, and the video was unavaible, therefore the counsel failed his legal duty to prepare me for a trial. I was told by my counsel that I must plead to all the pending charges together and if I didn't, I would be tried seperately for the charges and the solicitor would ask for consectutive sentences for each offense. My counsel stated they could do that and also hinted they would most likely succeed. I had ten minutes to make a decision or begin a trial. Mr. Chaplin would not move to suppress the chain of custody evidence (missing links), neither would he ask for a continuance to prepare a defense. He stated he didn't need me to prepare a defense. Overall, the counsel was very negative about any evidence or procedures in my favor, he even stated that I wouldn't win an appeal and could go to a trial and be sentenced to the maxium penalities. Based upon the stated facts and the law, it should be considered, Mr. chaplins counsel was incompentent and ineffective.

Closing Arguement

I was not afforded a fair defense against the charges. When I tried to have him relieved from my case the Judge denied me the opportunity of a counsel would have provided me with an adquate defense. Mr. chaplin's unprofessional conduct and Statments gives merit for ineffective assistance of counsel. There is a reasonable probability the results of the court proceeding of Dec 3, 2013 would have been different if not for Mr. Chaplin's unprofessional performance in my case.

State of South Carolina
In the Court of Appeals

vs.

Vincent Rice
Appeallent

Certificate of Service

I certify that I the Appeallant, Vincent J. Rice on this day of January 6, 2014 did mail A letter of Explaintion by U.S mail to the following:

The Court of Appeals
PO Box 11629
Columbia, S.C 29211

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