

State of South Carolina  
IN THE SUPREME COURT

Appeal From Spartanburg County  
P.C.R. Hearing

RECEIVED

JAN 16 2014

J. MARK HAYS II Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No:  
2013-000215

Jeffrey E. Guter 131471

Petitioner

Motion To Amend

To PRO-SEE RULE 11

v.

State of South Carolina

Respondent

Now comes Petitioner Jeffrey E Guter with Amendment to pro-see motion that was filed on Sept 20, 2013 in Supreme Court This is Amendment to show A Violation of Rule 11 in that Instance Hoping that Amendment is not too late to be filed

Jeffrey Guter 131471

CMCEI

386 Redemptoin way

Myrtle Beach S.C. 29579

Filed this Day of JAN 13, 2014

State of South Carolina  
County of Spartanburg

Jeffrey E. Sette # 131471  
Applicant

State of South Carolina  
Respondent.

In the Court of Common Pleas  
For the Judicial Circuit 7th  
Civil Action Case No. 2011-C  
1967

Grounds for post conviction  
Relief and Exhibits Amendment  
In Violation of Rule 11  
In these Exhibits.

FILED  
COURT  
SPARTANBURG COUNTY  
2012 MAY 16 PM 4:22  
MICHOPE B. BLANK

① In this present case while Judge Lopez Couch  
Addressing defendant Jeffrey E. Sette in open court the  
prosecutor failed to say anything about the conviction  
sentence, which led to believe that the conviction —  
sentence was already agreed to by Judge Lopez Couch,  
prosecutor Matt Kendrick, Attorney James Check, and in  
the newspaper page 33 line 18 where the judge says  
(I've told Mr. Check.) when did he tell Mr. Check  
this? He did not say it in open court. And U.S. v.  
Daigle, 63 F.3d 346 (5th Cir. 1995) states where Judge  
held meeting in his chambers with defendant's prosecutor  
and defense attorney for 20 off the record discussion  
of plea agreement and length of sentence prior to  
acceptance of defendant guilty plea. Conviction was  
vacated and remanded of violation of Fed. R. Crim.  
P. Rule 11. U.S. v. Van Thournout, 100 F.3d 570.

(8th Cir 1986) government failure to say  
Sentence was a Recommen concurrent sentence  
not a consecutive sentence was a breach  
Agreement requesting that the sentence be vacated.  
the present case Judge Logic Couch in open court  
state that his opinion was the only one that  
mattered in this case. US. V. McCray 849 F.2d 344

FILED COURT  
CLAY COUNTY  
MAY 16 7 55 AM '92  
M. HOPKINS  
BLAIRSTOWN

(8th Cir 1988) government is to remain silent at sentencing  
hearing breach term of plea. And if you look at  
transcript page 33 line 18 you will clearly see why  
US V. Daulton 63 F.3d 346 (5th Cir 1995) fits this case  
And page 38 line 7-9 where the Judge is saying his  
opinion was the only one that counts. He was not  
to step in to this plea at all. He should have stayed  
a neutral party to this plea. And page 39 line 4-5-6  
where he made the statement that I was stealing from  
the bank. I did not dig up any one and steal any thing  
from them. A Judge should be a neutral party to any  
plea. Judge Couch was very bias to the present case  
and disclosed his feelings in open court the fact of  
the present case was not the sole purpose of disput  
stealing from the bank. The present case was that the  
defendant was indicted for forgery. Judge Logic Couch  
has shown Prosecutor's misconduct through out this  
case. I am filing this amendment under. Hoyle v. State  
381 S.C. 622, 624 S.C. 2d 49 (2009)

John A. 1347

Judge Couch was biased to the present case and directed his feelings in open court. The facts of the present case was not the sole purpose of Defendant stealing from the Dead. The present case was that defendant was indicted for forgoing less than (\$5,000) under S.C. (16-13-16) B-2 which carries (5) five years. Judge stated his bias when he stated in open court. That his opinion was the only opinion that mattered. But under The Judicial Canon which is the oversight for all courts and their chief officer, requires that every judge will maintain a position of neutrality and express NO opinion as to the case he administers otherwise the judge will show impartiality and prejudice to one of the party in the legal debate in my plea and he also asked James Cheek who was my attorney that we have a place for him and its called the South Carolina Department of Correction. As if the two of them had already discussed these matters of my plea agreement among each other. The defendants constitutional rights were violated from start to finish. In this present case the defendant wrote several request and letters and made many attempts to contact lawyer Andrea Price but never got a response from her the defendant wrote to her attorney clay allen about the conflict of interest of James Cheek representing the defendant and he responded in open court that he would not be over my case Andrea Price would James Cheek stated was the lawyer for the Agency and Judge Couch in his own discretion above with prosecut. matter enhanced the defendant charges and sentence defendant under (16-13-16) (B-1) which carries ten (10) years and can the defendant charge conviction the plea agreement requirements are set forth in the text of the Constitution, no honorable judge could believe that a plea agreement that plainly did not comply with the requirements was valid. See Santobello vs. New York, 404, US 257 (1971) See Blackledge vs. Allison, 431 US 63 (1977) Also U.S. v. VanThornout, 100 F.3d 590 8th Cir (1996) And in this case all of these charges should have been consolidated pursuant to State v. Hamilton Crime Spice 17-25-50, my check did not object to any of that. The above shows effective assistance along with the other matters. He fell way below standard as a Attorney, you can clearly see that this case was stayed

Gideon v. Wainwright 372 U.S. 303, 314 (1963)

Indeed, the right to counsel tests the prosecution's case to ensure that the proceedings serve the function of adjudicating guilt or innocence while protecting the rights of the person charged see e.g. Powell v. Alabama 287 U.S. 45 (1932) The defendant requires the presence of counsel at every step in the proceeding against him without it ~~to~~ though he be not guilty he face the danger of conviction because he does not know how to establish his innocence. Effective trial Proc 52(b) U.S. 446 (2000)

In the transcript, Plea Counsel James Cheek made it known by his own statement in the transcript page 28 line 11-19 as he tells the judge that he was the lawyer for the committee who they stated that effort and actually handled the setting up of that committee, and that I was involved in, help raising money for that effort and that I want him to know or believe that I would not represent him fully as I possibly could in these matters as I have with other people who were involved in talking of the money.

That statement above should have been enough for the judge not to accept my plea and to appoint me another attorney. Then on page 22 line 15-17 where solicitor is telling the judge that this all happen in two or three blocks of things, which should have had my checks my attorney to fight for all charges to be consolidated and should be treated as one and under the crime space.

Mr. Jeffrey E. Gohs 131411#  
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Legal Mail

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Clerk of Court Office  
Danda E. Sheehy Clerk  
Post Office Box 11336  
Columbia S.C. 29610-1135

Legal Mail

LEGAL MAIL

RECORDED THIS ITEM. THEREFORE, THE  
COURTMENT DOES NOT ASSUME RESPONSIBILITY  
FOR ITS CONTENTS.  
MARIEN  
SOUTH CAROLINA CORRECTIONAL CENTER

RECEIVED  
JAN 13 2014  
MAIL ROOM