

③ 363340 *Woodard v. Collins, 898 F.2d 1027, 1029 (5th Cir. 1990)

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when a lawyer advises his client to plea bargain to an offense which the attorney has not investigated. Such conduct is always unreasonable.

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* Short v. United States, 471 F.3d 686, 692 (6th Cir. 2006)

SC Court of Appeals

A defendant challenging his attorney's conduct during plea bargaining must show that counsel did not attempt to learn the facts of the case and failed to make a good faith estimate of a likely sentence. He must also show that his lawyer's deficiency was a decisive factor in his decision to plead guilty.

* United States v. Nahodil, 36 F.3d 323 (3d Cir. 1994)

ineffective assistance claim stated where counsel allegedly advised defendant to plead guilty despite defendant's repeated objections to doing so.

* Beckham v. Wainwright, 639 F.2d 262, 267 (5th Cir. 1981)

ineffective assistance where attorney failed to advise defendant of the available options and possible consequences of pleading guilty or going to trial.

* United States v. Moore 159 F.3d 1154 (9th Cir. 1998)
Conflict where client made repeated representations to court regarding his inability to communicate with attorney.

- lack of understanding because of my inability to understand or speak English.

* Nevarez-Diaz v. United States 870 F.2d 417 (7th Cir. 1989)
remanding for further proceedings on claim that attorney was ineffective for attempting to secure a guilty plea despite the client's obvious misunderstanding and reluctance to plead.

- I could not speak or understand but very little English which caused the misunderstanding.

* Toro v. Fairman 940 F.2d 1065 (7th Cir. 1991)
Counsel was deficient for advising defendant to reject plea and go to trial where evidence against defendant was strong and defendant spoke little English, however defendant failed to show prejudice.

- I was advised to plead guilty not understanding the consequences of doing so.

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① I requested a translator who spoke my native tongue (Samoan)

- ② My knowledge of English is not sufficient enough to understand the nuances of American Legalese and English.
- ③ Due to my language barrier the police were able to coerce me into making a statement against myself without the assistance of an interpreter.
- ④ I was not fully aware of my Constitutional rights including the right to a trial by jury.
- I think they violate my rights because I wasn't comprehend it about my rights in the beginning when police took me to the Sheriff department and they start it to ask me about what happen.

First of all I didn't mean to say anything to them. I was so scared, paranoid and didn't know what to do. Also I wasn't in a right state of mind at the time because I was so drunk. And then they still attacking me with questions. They promise me if I help them they gonna help me too. And then when I was trying to explain what happen they coerce me to say stuff that didn't happen. Everything I say that night they didn't write it on my statement. but most of the stuff they say on my statement they add stuff to it that I didn't say it.

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① Primary attorney quit 6 weeks prior to a murder trial.

② New attorney did not have time to:

a. familiarize herself with the evidence.

b. Evaluate myself mindset

c. Determine if I had an understanding of my options between a plea and a trial.

d. Challenge evidence and investigate alternative which may have benefitted myself.

e. Explore the language barrier with me face to face

f. Subpoena witnesses to support me

③ New attorney failed to seek a continuance for an extension to get better prepared.

④ Attorney led me to believe that I had no choice but to accept the plea offer of 36 years.

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① Attorney did not attempt to reach an agreement on Voluntary manslaughter.

I was discriminated against because I am Samoan I was denied an interpreter in my native language to help me understand what was happening. I feel that my race also played a role in my sentence and lack of a manslaughter Plea offer.

when I first met my lawyer she told me why I told police about my statement. I told her I don't know. And then she start it to ask me about my rights. I said I don't know. She start it to explain it to me and why is important to understand it. And then that's how I find out about my rights. because I'm not from here and I don't know anything about the law.

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I told my first lawyer that I need an interpreter. She never provide me an interpreter. And then I suppose to go to the trial on the 2nd of February this year but my lawyer quit a week before my trial. And then they assigned me to another lawyer. Also reschedule my trial to march 23rd this year. I ask my second lawyer if thats enough time for her to prepare a murder trial, she said the judge won't push back another court day for me. She also advised me that if I go to trial if I loose the trial I might get natural life, but if I win the trial I still get 30 years. Then I thought about my first lawyer told me that

I^u had a good chance for voluntary
manslaughter or self-defense. I'm just
wondering if I can get a chance for an
a fair trial. Please take this letter
as an consideration.