

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

JUNE 30, 2015

CERTEORARI TO RICHLAND COUNTY
L. CASEY MANNING, CIRCUIT COURT JUDGE

STUART STANTON,

RECEIVED

V

JUL 06 2015
PETITIONER,
S.C. SUPREME COURT

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-001945

MEMORANDUM BY PETITIONER
STUART STANTON

TIFFANY BUTLER
APPELLANT DEFENDER

SOUTH CAROLINA COMMISSION ON
INDIGENT DEFENSE
DIVISION OF APPELLATE DEFENSE
P.O. BOX 11589
COLUMBIA, S.C. 29211-1589
(803) 734-1343

STATE OF SOUTH CAROLINA RECEIVED 30,
IN THE SUPREME COURT JUL 06 2015 2015

S.C. SUPREME COURT

MEMORANDUM BY PETITIONER :

STUART STANTON #304298
BRCT, WATEREE # 185
4460 BROAD RIVER RD.
COLUMBIA, S.C.
29210

MAY IT PLEASE THE COURT,

THANK YOU, VERY MUCH
FOR TAKING THE TIME TO READ MY
MEMORANDUM, BASICALLY, I FEEL LIKE I
WAS MISLED ON A PLEA DEAL ON
JUNE 10, 2013, BY MY ATTORNEY JACK
DUNCAN,

ON JUNE 5, 2013 I WAS SET TO
PLEAD GUILTY IN FRONT OF A DIFFERENT
JUDGE AND THE PLEA WAS A NEGOTIATED
PLEA OF 15 YRS, FOR 1ST DEGREE BURGLARY,
AND THE CDU HIGH AND AGGRAVATED
NATURE AND SHOPLIFTING 3RD WOULD
BE DISMISSED, I BACKED OUT OF THAT
PLEA BECAUSE AT THAT TIME I DIDN'T
FEEL IT WAS A 1ST DEGREE BURGLARY, SO,
I WAS SET FOR TRIAL FOR JUNE 10, 2013,

(2)

WELL, 5 DAYS LATER I AM IN TRIAL AND MR. DUNCAN IS IN CHAMBERS WITH JUDGE EARLY, I KEPT TELLING HIM I WOULD PLEAD TO 2ND DEGREE BURGLARY, BUT NOT 1ST, ONE OF THE REASONS IS I WAS LIVING THERE AND ALL MY BELONGINGS WERE THERE AND THE VICTIM HAD SIGNED A DROP CHARGES FORM WITH SOLICITORS OFFICE TO THIS EFFECT AND GAVE A STATEMENT THAT I WAS LIVING THERE, ALSO, SHE DID NOT SHOW UP FOR TRIAL FOR A SECOND TIME AFTER BEING SUBPOENED FIRST BY THE STATE. SECOND TIME BY MY ATTORNEY, SO, MR. DUNCAN, COMES DOWNSTAIRS AND SAYS THEY HAVE DROPPED THE BURGLARY 1ST TO 2ND DEGREE. IT IS STILL VIOLENT BUT NO 85%. SO, I SIGNED PAPER AND THANKED HIM. WHAT I DIDN'T KNOW UNTILL HALFWAY THROUGH PROCEEDING WAS STATE HAD BROUGHT BACK UP SHOPLIFTING 3RD, I FEEL THIS WAS TOTALLY WRONG AND INEFFECTIVE ON MY COUNSEL FOR NOT MAKING THIS CLEAR TO ME WHEN 5 DAYS PRIOR THE SHOPLIFTING WAS BEING "DROPPED," ALSO, I WAS ON TRIAL FOR BURGLARY 1ST - LIFE SENTENCE - THE

(3)

SHOPLIFTING WAS THE LAST THING ON MY MIND. MR. DUNCAN KEPT TELLING ME THE SHOPLIFTING WAS SEPERATE FROM BURGLARY, IT WAS A UERY STRESSFUL TIME FACING A JURY TRIAL AND A LIFE SENTENCE AND I JUST FEEL LIKE I WAS TAKEN ADUATANGE OF WITH ALL THE PRESSURE. HE SPECIFICALLY TOLD ME I WOULD SERVE ABOUT 5 OR 6 MORE YEARS AND BE ELIGIBLE FOR PAROLE, I WAS HAPPY, BUT THE EXTRA 10 YRS. FOR SHOPLIFTING IS WHAT HURTS. I CAN ACCEPT THE 15 BUT NOT THE 25 YRS.

I WOULD JUST LIKE TO POINT OUT THAT AFTER BEING SENTENCED I TRIED TO WITHDRAWAL MY PLEA AND STATED FOR RECORD APPENDIX PAGE 24 LINE 19 THAT MY LAWYER TOLD ME 15 YRS. APPENDIX PAGE 25.

ALSO, WHEN MR. DUNCAN WAS ASKED IF HE EXPLAINED CONSECUTIVE TO ME BY JUDGE. HE STATED "I MADE NO REPRESENTATIONS AS TO CONSECUTIVE", APPENDIX PAGE 25 LINES 14 and 15.

(4)

ALSO - WHEN MR. DUNCAN WAS CROSS-EXAMINED BY MS. GOOD AT MY PCR HEARING I WOULD LIKE TO POINT OUT A FEW THINGS, PLEASE, I REALIZE IT IS MY WORD AGAINST HIS AND IT IS HARD TO PROVE BUT I THINK IF MY TESTIMONY AND HIS IS EXAMINED CLOSELY YOU WILL SEE WHO MAY BE TELLING THE TRUTH AND WHO IS NOT,

WHEN MR. DUNCAN WAS ASKED BY MS. GOOD AT MY PCR HEARING IF HE EXPLAINED TO ME THAT THE STATE WAS BRINGING THE SHOPLIFTING CHARGE BACK UP - HE STATED " I DON'T REMEMBER, BUT I'M SURE IT WAS" APPENDIX PAGE 66, LINE 25 AND PAGE 67, LINE 1 AND 2, NOT TRUE. ALSO, WHEN MS. GOOD ASKED HIM ABOUT HIS INTERPRETATION HE MADE NO REPRESENTATION AS TO CONSECUTIVE IN THE PLEA TRANSCRIPT HE AGREED ON PAGE 69 LINE 2, 3, 4, BUT LATER TRIED TO CHANGE HIS MEANING ON PAGE 69, LINE 8 AND 9, NOT TRUE. AND THIS PLEA COLLOQUY AND FORM HE WENT THROUGH WITH ALL THE QUESTIONS THE JUDGE WOULD ASK ME. PAGE 67, LINES ~~10, 11, 12~~ 13, 14, 15, 16, 17, 18, 19. NOT TRUE.

(5)

AND HIM EXPLAINING CONSECUTIVE TIME TO ME AND THE PLEA NOT BEING NEGOTIATED, PAGE 67, LINE 6 ABSOLUTELY NOT TRUE, I KNOW THAT IT IS HARD FOR ME TO WIN AGAINST HIM BUT THE TRUTH IS THE TRUTH AND I BEG THE SUPREME COURT TO, PLEASE, EXAMINE MINE AND HIS TESTIMONY, CLOSELY AND READ BETWEEN THE LINES AND I THINK YOU WILL SEE WHO IS TELLING THE TRUTH AND WHO IS JUST TRYING TO COVER HIMSELF, THIS IS ALL THE TRUTH, I SWEAR, TODAY AND IS THE GIST OF MY ARGUMENT AND MEMORANDUM. THANK YOU, FOR TAKING THE TIME TO READ IT,

MY LAST ISSUE IS THE LETTER I WROTE TO CLERK OF COURT THE VERY NEXT DAY AFTER I WAS SENTENCED REQUESTING AN APPEAL AND MOTION TO RECONSIDER, THIS IS STATES EXHIBIT 1. IT IS A CLOCKED COPY THAT WAS RECEIVED WITHIN THE 10 DAYS, THE CLERK OF COURT MISDIRECTED THE LETTER TO PUBLIC DEFENDERS OFFICE EVEN THOUGH I STATED IN THE LETTER THAT JACK DUNCAN WAS MY ATTORNEY.

(6)

I DO NOT FEEL I SHOULD BE PUNISHED FOR THIS AND SHOULD BE GRANTED A MOTION TO RECONSIDER THE SENTENCE, ESPECIALLY, WHEN MR. DUNCAN DIDN'T EVEN TRY TO TALK TO ME AFTER I WAS SENTENCED AND AFTER I ~~WAS~~ TRIED TO WITHDRAWAL MY PLEA. HE KNEW SOMETHING WAS WRONG, HE SHOULD OF ASKED ME THEN IF I WANTED TO APPEAL OR A MOTION TO RECONSIDER, BUT MY LETTER REQUESTING THIS WAS MAILED TO CLERK OF COURT THE VERY NEXT DAY, THANK YOU FOR READING MY MEMORANDUM.

Stuart Stanton

Stuart Stanton

SCDC # 304298

BRCI, WATEREE

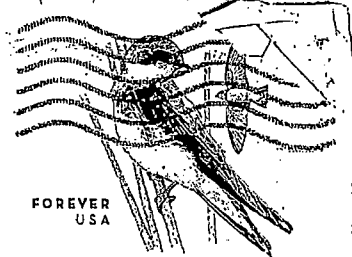
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COLUMBIA SC 290

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FOREVER
USA

Bank Swallow

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JUL 02 2015

BRCI
MAILROOM

THE SUPREME COURT OF SOUTH CAROLINA
DANIEL E. SHEAROUSE,
CLERK OF COURT
P.O. BOX 11330
COLUMBIA, S.C.

WATEREE UNIT  29211