

3
RECEIVED

AUG 05 2015

SC Court of Appeals

Erica Mitchell
Appellate Case No.
2015-001512

On August 1, 2015 I recieved a letter from my Public Defender to inform you guys in writing of any arguable basis that there are concerning my Appeal. There are several issues that I would like to argue.

1. The Victims Impact Statement
2. The Arresting Officers Statement
3. The Representation of my Attorney
4. The Evidence submitted by the Solicitor

1. In the Victims Impact Statement, the victim made the courts aware of several incidents that have happen in which her identity was compromised, and she placed all the blame on me which was a lie. I was accused of several things I didn't do. I had no knowledge of this Statement until after I accepted the plea. IF I had known I was accused of such things I would've opted for a trial.

2. Officer Tyron Pugh stated that I knowingly used this person information that was also false. I fully cooperated with officer. He even unlawfully searched me. He stated that I told him the victims SSN that wasn't true I told him my name was in fact

Erica Mitchell and that he could contact my PD in North Carolina to verify that. If I knew I had did something wrong why would I even let him know I was on probation and give him permission to contact her. This same officer was later suspended for his role in a nightclub fight in which he assaulted an innocent bystander. I believe his credibility is questionable. ~~The only thing~~ My name and DOB was used not the victims also

3. My Attorney, Dayne Phillips didn't give me proper representation. I never recieved a copy of my Motion of Discovery. He claimed I never asked for it, which is false. I called him several times and was told he wasn't in, to leave a message and several times I ~~was~~ never recieved a call back. I also visited his office on March 13. I asked for a copy then and was told I'll receive it in the mail. ~~That~~ That also never happened. I only met with him twice. On March ~~the~~ 13 and on June 3rd before I accepted my plea. Both times he told me I'll receive probation and IF I took it trial I'll get 10 years. I felt like he was forcing me to take the plea, ~~and~~ to him I was just another case and since I have no knowledge of the justice system I went with what he said was in my best interest and took the plea. since I was already paying

someone to drive me to Lexington ^{from} & Charlotte everytime I had court. and being a single parent it was hard to find a sitter so I really just wanted to get it over with. ~~It also asks~~ My attorney also told me I had ^{an} ~~to~~ option to accept the charge but not admit guilt but he never fought for that option on my behalf.

4. The solicitor contacted a detective Tracey Blaylock in Charlotte that stated she met with me several times concerning pending charges I had in Charlotte, NC also about my probation violation. Those pending charges has since been dismissed. I have no detainers and I also provided my public defender with those details. I believe my sentence was based solely on the evidence or statements provided by the Solicitors office. The max time for my sentence was 10 years I recieved 9 years. My sentence was deferred so that the solicitor ~~could~~ could contact Charlotte, ~~which~~ Had I had access to my motion of discovery and victims impact statement before I was offered a plea I wouldve took my chance with a trial. The majority of the evidence or statements against me was pure hearsay.

I don't believe that ^{the} sentence imposed was fair at all. I have since written Judge Newman and asked for a lighter sentence. I requested 10 years suspended to 18 months and 8½ years on probation. I honestly believe I deserve another chance. 9 years is a bit harsh considering ~~that~~ the fact that sex offenders and murderers receive less time for their offenses. I'm a single parent of two kids ages 3 and 8 years old. This isn't the place for me. I know that if given a second chance to be a constructive member of society I'll do what's right. Being in here has given me time; plenty time to re-evaluate my decisions. I don't want my kids in foster care or growing up getting molested, physically and mentally abused like I was growing up. I never realized how much my choices affected them until now and for that reason alone I refuse to be a repeat offender. I want to be a nurturing parent to my kids. Please ~~be~~ grant me an appeal. I deserve for my case to be heard again. I also provided the courts with certificates and classes I was taking and that I was attending mental health services since my arrest.

Sincerely

Erica Mitchell