

Larry J. Coles, Appellant  
Inmate #294158

In The Court of  
Appeals

Evans Corr Inst.

Unit F5-170A

610 Cheraw Hwy

Bennetsville, S.C. 29512

RECEIVED

JUN 01 2015

SC Court of Appeals

The State of

South Carolina

To: Kenneth A. Richstead, Clerk

Dear Mr. Richstead,

May 21, 2015

If it may please the South Carolina Court of Appeals, I, Larry Junior Coles #294158, do solemnly hereby Request that my above said case, Appellate Case No. 2015-000925, be taken into consideration for review by and before the South Carolina Court of Appeals.

I kindly ask that you please file this Appeal with the Court. If anything in this Appeal is not in compliance with, pursuant of or under Rule 203 of the South Carolina Appellate Court Rules please notify me at the above mailing address.

I thank you in advance for your consideration.

Respectfully,

Larry J. Coles #294158

Larry Coles

Signature

#294158

The State

v.

Larry Junior Coles  
SCDC ID #00294158

Appellate Case #2015-000925

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Appeals

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South Carolina

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If it may please the South Carolina Court of Appeals, I, Larry Junior Coles #294158, do hereby Request that my above said case, Appellate Case No. 2015-000925, be taken into consideration for review by and before the South Carolina Court of Appeals.

In light of the following issues, I feel that there is a strong arguable basis for Appeal, and also that the following issues are preserved for Appeal in my case. My Request for Appeal is in accordance with Rule 203(B)(IV), SCACR, also Rule 1.16(A)(3) of Rule 407 S.C.R.C.R. which gives a client "the right to discharge an attorney at any time with or without cause," (Matter of Tillman, SC.1995-462 S.E. 2d 283.

I do feel that the following issues that I will describe are also clear violations of the

(1)

Fourteenth Amendment (Due process & equal protection of The Law), the Sixth Amendment (Right to Counsel, Right to face your accuser) of The United States Constitution. My "Due Process" was most clearly violated for the simple fact that although I did turn in a request for a preliminary hearing to the Judicial Court of Florence County within the required ten days after my arrest on August 30, 2014, I was denied my right to a preliminary hearing by this same Judicial Court. I do strongly feel that this refusal of a preliminary hearing and the following issues also creates a strong basis for "Ineffective Counsel" and a suspected violation of the 1983+1985 - Bivens Packet under "Color of Law."

I respectfully ask the South Carolina Court of Appeals to be aware that my Appeal is in compliance with Rule 203 (B)(IV), SCACR being for the fact that I did file a Notice of Intent To Appeal from my plea of guilty to Burglary Second Degree (Non-Violent) the sentences imposed on March 23, 2015 in the Court of General Sessions for Florence County, South Carolina. The following issues are clearly and most definitely under Rule 203(B)(IV), SCACR, which identifies my basis for appeal. (Notice of Appeal, Florence Co. No. (S)2015-GS-21-00007)

(3)

On September 16, 2014, while incarcerated in the Florence County Detention Center awaiting bond on this charge of Burglary Second Degree, Investigator Thomas Mckenzie of the Public Defenders Office for Florence County visited me to review my case with me. Inv. Mckenzie informed me during this visit that Attorney Vick Meetze, also from the Florence County Public Defender's Office would be my attorney. I immediately informed Inv. Mckenzie that I did not wish to have Attorney Vick Meetze to represent me on this charge due to a Conflict of Interest. This Conflict of Interest stems from a prior Post Conviction Relief (PCR) I filed on him and concerning him in 2012. Investigator Mckenzie then informed me that he would "put that in his folder as a conflict of interest."

Then on October 6, 2014, Attorney Vick Meetze came to the Florence County Det. Center to inform me that he had, without my consent, put in for a motion of bond reduction on me. It was during this visit that Attorney Meetze said to me that I would definitely not receive a bond reduction because law enforcement officials had claimed to him that I would be

(4)

facing more charges. This is when Attorney Meetze first threatened me by stating that he was going to make sure I went to prison because of the Post Conviction Relief I had previously filed on him in 2012.

Florence County Det. Center Officer McKeen overheard Attorney Meetze say this to me and Officer McKeen, being a willing witness in my Appeal, has also stated to me that he clearly heard Attorney Meetze repeat these same threatening words as he was walking away from his visiting me that day in the Detention Center, of October 6, 2014. Attorney Meetze clearly stated also during this visit, and I quote, "I'm going to make sure you get time!" This was all heard by Officer McKeen.

The next day, on October 7, 2014, I wrote a letter to Chief Public Defender Scott P. Floyd, of the Florence County Public Defender's Office. I also wrote to the South Carolina Bar Association. I informed both the Chief Public Defender and the S.C. Bar, in writing, that Attorney Vick Meetze had threatened me with prison time and that there were definite grounds for a conflict of interest. I informed both Defender Floyd and the S.C. Bar that I did not wish for Attorney

(5)

Meetze to represent me on this case (#2015-GS-21-00007) nor any other case.

The S.C. Bar responded with a letter to me stating that the matter (threatening and conflicting interest) was and is under investigation. I still have this letter in my possession.

Chief Public Defender Scott P. Floyd, on the other hand, did not respond until October 23, 2014 when both he and Attorney Meetze came to see me at the Detention Center (Florence Co.) Chief Def. Floyd told me that he thought I was lying to him about Attorney Meetze threatening me. It was then that Attorney Meetze handed me the Motion of Discovery pertaining to my case and he also handed me a guilty plea sheet of a negotiated plea to 3<sup>rd</sup> Degree Burglary, 2<sup>nd</sup> offense and an offer of 4 years in prison if only I would sign the plea and plead guilty. I replied to him (Attorney Meetze) that I was not guilty of Burglary, therefore I was not pleading guilty to Burglary.

On February 21, 2015, I finally was able to make the high bond of \$50,000 dollars, an excessively high bond for the Charge of 2<sup>nd</sup> degree Burglary (same case - #2015-GS-21-00007).

(6)

On March 16, 2015 I attended Roll Call at the Florence County General Sessions Court for my first initial appearance. My family and I had not had enough time to raise enough money to retain another Attorney. The reason for this was for the simple fact both my family and I were waiting on Federal Tax returns in order to pay the fee for another Attorney. My family and I had by this time met with and received consultation from Attorney John Gardner of Gardner Law Firm in Florence, SC. Attorney Gardner advised me that in light of mine and Attorney Meetze's conflicting issues, he (Att. Gardner), thought it best to ask for a "Continuance" from The Honorable D. Craig Brown, the Judge who would be presiding over my case.

So therefore, on March 16, 2015, after the roll call and my initial appearance in the Florence County Court of General Sessions, Attorney Vick Meetze approached me and asked me if I was ready to take that plea offer of 4 years. I told him that I was not going to take any plea, that I was terminating him as an Attorney and hiring Attorney Gardner, and that I and Attorney Gardner fully intended to ask for a continuance of my case. Attorney Vick Meetze informed me that my

Case would not even come before the court that week. He told me to come back to General Sessions for roll call on the upcoming 23<sup>rd</sup> day of March, 2015.

During that very same week of March 16, 2015, Attorney Vick Meetze proceeded to have Jury Selection for a trial of my case completely without my knowledge and in my absence. Not only did Attorney Meetze pick a Jury without my presence but he also failed to even inform me that he had scheduled me a Trial by Jury of my peers, through Florence County Prosecutor David Richardson and the same Court of General Sessions. Both the Prosecutor and Attorney Vick Meetze obviously agreed among themselves for my trial date to be on the upcoming day of the 23<sup>rd</sup> of March, 2015, without notifying me in any sort of way. Not by Postal Service nor by phone. I repeat that, Attorney Meetze had informed on the 16<sup>th</sup> day of March, 2015, to "Show back up for roll call on March 23<sup>rd</sup>" of 2015.

The Jury that had been selected was not a Jury of my peers. It could not have been because I was not present for that selection and two of the Jurors Fathers were Florence

County Sheriff Office Officials, the very same Office against me, in my case.

On March 23<sup>rd</sup>, 2015, as I presented myself for roll call second initial appearance at the Florence County Court of General Sessions, I was quickly informed by Attorney Vick Meetze and court Officials that my trial was in a matter of minutes about to begin. And so, in fear and shock, I found myself standing before the Honorable D. Craig Brown in his Courtroom.

I immediately asked Judge Brown for a continuance based on Conflict of Interest between myself and Attorney Meetze. I also explained to Judge Brown that I did not want Attorney Meetze to represent me because Attorney Meetze had threatened me by stating to me that he would make sure that I received a prison sentence due to the fact that I had previously filed a PCR on Attorney Meetze on a prior case. Judge Brown responded to me by stating that he (Judge Brown) had known Attorney Meetze for years, and that he did not believe Attorney Meetze had threatened me and that "for the record" he thought I was lying. I then informed Judge Brown that my family and I had

Come to court that day fully financially prepared to finish paying and hiring Attorney John Gardner. Judge Brown then gave me his permission to go at that very moment and hire another Attorney, with the stipulation that I return to his Courtroom that very day or he would try me in my absence. I then exited the Courtroom to do as he told me.

Once I was outside of the Court House, two Florence County Sheriff's Officers approached me quickly from behind and ordered me back inside, informing me that Judge Brown wanted me back in the Court Room right then. Once I was back in the Court Room, Judge Brown informed me that since I had an attitude while previously leaving his Courtroom that he now denied me permission to leave and hire Attorney Gardner. Although I was out on bond for the exact same charge, Sheriff's Officers at that moment escorted me from the Court Room and proceeded to lock me in a holding cell. Attorney Meetze then came to the holding cell and informed me that Florence County Investigators did not want me out on bond anyway because they wished to question me on a totally separate case.

Attorney Meetze left me in the holding cell and a very short while later I was escorted back in- to Judge Brown's Court Room, only this time Court Officers had me in shackles and chains. I stood before Judge Brown and his Court, and a Jury was in the box, seated before me.

Judge Brown informed me that I could either accept Attorney Vick Meetze as my trial law- yer or I could represent myself. I explained to Judge Brown that my family and I had al- ready paid \$900 to Attorney Gardner, and that I was standing right then and there with the rest of his fee to pay him. (Attorney Gard- ner's fee was a total of \$2,400 dollars, I had the other \$1,500 on my person in the Court - Room.) But Judge Brown refused and proceed- ed to begin my trial.

At one point during the trial a Florence County Sheriff's Deputy stated to the Jury and the Court that their Office did not have any fingerprints as evidence. The Deputy stated the reason was that since I had been arrested inside the abandoned trailer, the Sheriff's Office did not need fingerprints. Judge Brown then asked both Attorney Meetze

and Solicitor David Richardson to approach his bench. I then overheard Judge Brown whisper to both men that the Prosecution did indeed need fingerprints aside the fact of where I was arrested. When Attorney Meetze sat back down beside me I quietly brought up to him the fact that the Prosecution had no fingerprints and he replied, "Oh they don't need the fingerprints because they arrested you inside the trailer." I asked Attorney Meetze who's side he was on.

The Judge called for a short recess and the Jury was taken into another room. Attorney Meetze then got up and went to the back of the Court Room. That's when I turned to Public Defender's Office Investigator McKenzie and asked him how much this charge carried if the Jury found me guilty. Inv. McKenzie told me that I could get the max = 10 years. Attorney Meetze had told me earlier that my charge carried 10-15 years.

When the trial resumed, Attorney Meetze turned to the Jury and told them that it didn't take a rocket scientist here to see that what went on is exactly like Solicitor Richardson

Says.

Attorney meetze returned to our defense table and told me that I'd better go ahead and take the plea of 4 years. He fully led me to believe that if I would plead guilty and sign the the plea sheet, I would only get 4 years. Therefore I signed the plea sheet that clearly read 4 years. Judge Brown refused the plea and sentenced me to 100 months in the south carolina Dept. of corrections on the same day, March 23<sup>rd</sup>, 2015.

Without me even being aware of my 8th Amendment rights, I do feel Attorney meetze fully mis-represented me and misled me into accepting and signing a guilty plea. I was both threatened and promised 4 years to Plead guilty, and I told Judge Brown this. He refused to take any of this into consideration. All of this is in the Court Transcripts which shows clearly these issues. Therefore, I respectfully ask the S.C. Court of Appeals to consider my Appeal and either grant me a reversal, new trial, or reconsideration of sentence.

Sworn to and Subscribed  
before me the 28 day of May 2015

L. C. Law

(Notary Public) my commission expires:

May

James Cole

Signature of Appellate

cc. file

294158