

Sir, My name is Robert Dwayne Walling and I am writing you in reference to my appeal on the following indictments: 2015-GS-32-6011, 2015-GS-32-6012, 2015-GS-32-6013, 2015-GS-32-6014, and 2015-GS-32-6015. I am appealing my plea on the grounds that I believe my 5th, 6th, 8th, and 14th amendment rights were violated, I was denied due process, and may have received ineffective counsel.

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I had agreed to a plea, to which I was lead to believe by my attorney Thomas Shealy, Lexington County Public Defender Office, that it was negotiated to include an Alfred plea, a term of 7 (seven) ^{years} probation, years, no GPS monitoring, and I would agree to not file any appeals. Also I was informed that ~~if~~ they would not be able to deviate from the negotiated deal and that if the judge would not accept the negotiated deal we (I) would be able to take my plea to another judge.

During my discussions with Mr. Shealy I was adamant about the fact I wanted to enter an Alfred plea, wanted no probation, and wanted my plea negotiated.

On my court date my negotiated plea was presented to the judge who rejected me being able to enter an Alfred plea. My attorney informed me that the judge stated he wanted me to plea guilty and admit what I had done in case there was any treatment given or needed later. Also, he informed me that if I did not enter a plea that day the A.G. would take me to trial.

I believe the judge erred by mandating a guilty plea. It tells me that he predetermined my guilt and that I needed treatment without hearing any evidence or mental health evaluations. Also I believe the A.G. abused her power and authority by ~~changing the~~ stating I would have to enter a plea that day or go to trial. When my attorney informed me of the situation, I complained about my previous negotiated deal being something that I (we) would

be able to take to another judge. He informed me that the A.G. had only agreed to not object to me entering an Alfred Plea and I would need to enter a plea or go to trial. I then felt compelled to enter a guilty plea because I feared the Alternative. I knew that the A.G. had the ability to add 86 additional counts against me and that I believed that if the A.G. were to add numerous more counts and I were to go to trial and lose, I would receive multiple consecutive sentences, and even though all my charges were nonviolent, I would spend an lengthy time being imprisoned and was not willing to take that chance.

In Alfred v. S. N.C. the court of Appeals found his guilty plea was involuntary because it was motivated principally by fear of the death penalty. I am looking to expand this ruling by saying I plead guilty because of fear of what could have equated to a lifetime in prison because of the numerous counts and possible consecutive sentences I could have received. I am seeking recourse in this matter because my plea of guilty is invalid because it was the product of fear & coercion. (Kercheval v. U.S.). In Tremblay v. Overholser 199 F. Supp. 569, 570 (D.C. 1961) Courts should not force any defense in a criminal case ~~partic~~ particularly when advancement of the defense might end in disaster. Well I believe this occurred when the judge rejected my Alfred Plea stating he would require a guilty plea and the A.G.'s threat to withdraw my plea deal if I did not plea. Alfred v. S. N.C. allows me to accept the imposition of criminal penalty without an admission of guilt. I believe that when my plea was mandated by the judge and the threat of trial was made my 5th amendment rights were violated in that my plea was now a product of fear and coercion. (14th Amendment).

I further believe I was denied due process in this matter. During my 2 (two) year incarceration at Lexington County Detention Center I was never indicted on ~~these~~ the charges I plead guilty to. It also appears that the A.G. failed to act within

the lawful time periods as mandated in the S.C. Criminal rules (CROC) Also I feel that I did not receive effective counsel because my Attorney failed to inform me on the consequences of waiving my rights to have my case presented to the Grand Jury. (I signed this waiver on the day I entered my plea) Also I believe that my 6th Amendment rights were violated in that there were numerous lawful and ethical request made by me that my attorney never acted on. I had asked ~~for~~ to view certain evidence first hand (computers, digital media), chain of evidence (custody), detective reports, forensic team reports & photos that I never received or were followed through with. I also was denied the opportunity to have a computer expert examine evidence and to work with an expert to determine the exact nature, cause, ~~and~~ source, and location of potentially damaging evidence.

I am continuing to examine Alford vs N.C. along with other cases to help build my defense and look for other basis for my appeal. I am seeking to have my charges overturned and vacated with prejudice on the grounds my civil rights were violated.

Please contact me soon in reference to this matter to inform me of the status of my appeal and what attorney is appointed to me and what other info you need. Also be aware even though Mr. Shealy's letter is dated 23 Dec 2015, it was not post marked until 29 Dec 15 and I received my paperwork on 31 Dec 15.

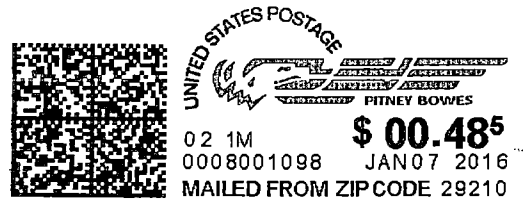
Thank you
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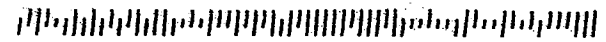
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