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AUG 19 2015

SC Court of Appeals

August 17, 2015

Re: The State vs. Austen S. McKewer  
Appellate Case No. 2014-002707

To Whom it May Concern:

I'm filing this pro se brief to address issues I believe the court should take into consideration.

I've waited for my voice to be heard in this situation since it was put/placed/handed over to this agency. I've only spoken with my lawyer very briefly regarding this matter. Since this case has been in General Sessions in 2013, it has been handled wrong but my short-comings as an indigent defendant has handicapped me in a way. I also go before the parole board on August 26, 2015 for this case. I'm uncertain as to whether this appeal will hinder me being granted parole and I pray it doesn't.

- My original sentence was 3 years suspended upon the service of 90 days weekend time and 5 years probation, terminated upon payment. This is the second weekend time discrepancy

that I've had with Judge Brown. My probation and weekend time was transferred to Florence County on May 7, 2013 simply because I was no longer an Horry County resident. The judge to sign on the finalization of the transfer of weekend time was Judge Brown. That never happened. Florence County never got the paperwork so on May 22, 2013 I was issued a bench warrant for "failure to do weekend time". After spending approximately three (3) weeks in Horry County Detention Center, I had to return to court about the matter.

Judge Hyman stated that it was my agent's duty to make sure that all paperwork was filed properly to get my transfer complete.

In this time frame, Judge Brown had already, unknowingly taken jurisdiction of my case Tr. 16, line 3-6. However, I was

found in contempt and sentenced to 6 months for failing to do the weekend time.

-After my release in September 2013, I returned to the probation office in Florence to report and speak with the supervisors that already knew what was going on regarding this misunderstanding. The judge restarted and restructured

my payments to begin on 11/7/13. Again, I knew nothing about this. I was just told to report on certain days. I was never issued a citation for violations # 7, 9, 10 and 11 on 10/23/2013. Frances Scheilenberg, Probation Supervisor told me on 10/10/13 that I needed to come get paperwork done so they could start everything over but I will be called and told when. If any record is held of the phonecalls when I spoke to agents, I called twice a week. I didn't want to have another warrant issued because of someone else's negligence.

- During this time, I strived to find employment. I lost the job I was with in May simply because I disappeared. I'm led to believe that some people in the Florence County Probation Office are simply negligent. When I was called to report in November (the day before Thanksgiving at 11 AM) I told Agent Mack that I was with my family out of town and I would have to reschedule. I reported the next business day and was told I missed payments, failed to report. This exploded into something much bigger. I was issued a citation and given

a court date. At that court date, I would have a chance to speak regarding any issues.

- On January 17, 2014, I finally spoke to Judge Brown. He, in court on the record restructured payments and converted PSE hours. Also found that the victims had lied under oath about calling my previous place of employment and sending mugshots to my General Manager at Metlow Mushroom. Also gave me until the May term of court to get my payments caught up or another hearing would be held.

- April 2014, I was issued a citation because I was "too slow" on repaying the "back payments". However, I only had 2 payments left to be caught up and was told the citation would be dismissed once they were made. All payments were caught up by April 20, 2014. All on record. Was told citation would stay and Judge Brown would decide. In May, he ordered a financial declaration. I provided all documents regarding my responsibilities and my mother, Doris Elaine Tucker was present also. Judge Brown stated that if he couldn't have

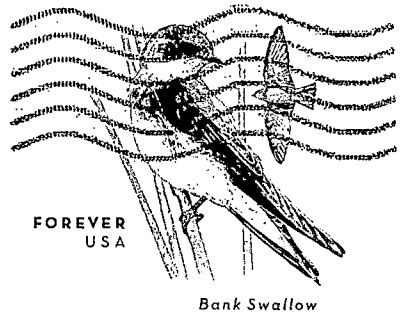
Time Warner Cable with extra packages, we couldn't. Nor a cellphone with internet. He stated something about the phone, Tr. 13 lines 18-20. He told me that I was a bright person and needed to do something with myself to make more money. After that, I was given 90 days weekend time to be served Mondays and Tuesdays despite all of my payments being current. Stated if I had ANY problems to contact my agent and she would contact him.

- My point: Why is this being said in court and when I do follow the advice he gave me (stated above) by enrolling in school and going to my agent, nothing was done? The end result was a full revocation for failing to complete 25 days. I was never told I had the choice of saying I didn't willfully violate my probation. Ever. I diligently paid my restitution. STILL paying it. It's coming out of my pay in the Work Program. Judge Brown simply had a problem with an educated black man and sent me to prison.

Sincerely,  
Auster S. McKee

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