

March 4 2016

The State of South Carolina

V.

Respondent

Charlie McLaughlin, III

Appellate **RECEIVED** 191

Appellate Case No. 2016-000342 (Explanation of Appeal)

MAR 10 2016

SC Court of Appeals

Dear South Carolina Court of Appeals:

I Charlie McLaughlin III, am writing to give my explanation of my arguable basis for my appeal. On March 1, 2015, My fiance, Kelly Molina was pulled over in Kershaw Co. on interstate I-20. During the stop officers found a bag containing, they said, marijuana and ecstasy. I was unaware of the bag until I seen Kelly pull from under her seat and store into the middle console of car. The officer asked me about the drugs and I explained I didnt know about the drugs or where they came from. When they questioned Kelly she explained to them how she got the drugs, who she got them from, why she got the drugs, and how much she was paid. She also explained that I knew nothing about what she was doing because she did not want me to get upset with her and knew I would not approve of her doing such thing. This all was recorded and can be seen on video. The officer decided to charge us both with trafficking ecstasy, and PWID. Kelly bonded out 2 days later \$3000 cash and I have been incarcerated ever since. My time incarcerated Kelly gave notarized statements to the Solicitor, Brett Perry, My attorney at the time, Kris Hines, and her attorney Christine Goldberg, again stating that I was innocent of the charges, and again what she had done and that she was fully responsible. My attorney Kris Hines told me that they didnt care if Kelly was responsible, that they meaning officer Scott Myers, and Solicitor Brett Perry wanted me, and wanted me to do time for something I didnt do. Time began to pass and still no change in my case, and still incarcerated. Kris Hines eventually came and spoke to me and said, Solicitor Brett Perry, said if I gave info on a murder I had info on then he would grant me a P.R. bond and dismiss my charges if it lead to an arrest. The next day I called the Harnett Co sheriff and ask them to come down I have info for them. I gave them the info, and it lead to an arrest, but I never recieved that P.R. Bond, or charges dismissed. Still incarcerated, I started learning and recieving info, from different murder cases, to attempted murders, to even Bank robberies and drugs. Innocent and eager to be free and get home to my family I gave Kershaw info and several statements of what I learned from other inmates to an officer Lt. Justin Dill. After speaking with Lt. Dill

Several times and giving him several statements, he told me he's got me give him a few weeks and he will have me out of jail. Weeks went by and months, and nothing changed except my lawyer Kris Hines dropping me with no explanation, and I was transferred to Richland Co jail. I was then giving a new attorney, Wilson P. Davis. When Mr. Davis finally came to visit me, he wasn't up to date with my case, I had to explain to him my innocence, he was aware of the statements Kelly wrote, but explained to me they want me to serve time at minimum 3yrs violent. Im asking why should I have to serve time for something I didn't do, and on top of me giving both Kershaw and Richland Co Sheriff so much info, 17 different cases to be exact and all violent with alot of murders. He responded to me, Charlie I don't want to offend you, but ~~Kershaw County~~ is a predominately white race community, and still have alot of racism in Kershaw County, and being that your a black male, they are stereo typing you, and if taking to trial it would be an all white jury. Mr. Davis then responded if I was a white male the charges probably would of been dropped already or even time served. At this time im feeling like im in a lose lose situation, all because of my race. They want me to serve time and Im going to serve time for something I did not do. Still fighting, Im demanding my lawyer to check into all the info I gave Kershaw and Richland county, to see if it will help my situation. A few weeks later I met with my lawyer Mr. Davis, and a Kershaw Deputy about info and a statement I gave to Lt. Bill about a murder involving Stephen Kelly. Before giving a recorded statement again, to the Deputy, my lawyer told me that they are willing to help me in my situation, so I told the Deputy and verified everything I know. Afterwards the Deputy said he's going to make some calls in my favor to help my situation, and that I would be used next week in trial and he would contact my lawyer about my situation. At this point Im feeling positive again, like theres hope again of me getting home. Then the following week comes, I hear nothing from my lawyer, and Stephen Kelly, seen on the news Pleas to 50 years in Prison. Weeks and months go by, and still nothing from lawyer, or response to calls and messages. Finally after a couple of months go by, my lawyer comes to see me. He tells me Stephen Kelly pled to 50 years, so it threw our deal out the window, and that was the case they wanted to cut me a deal on. He tells me the best I can do, that they are offering 3years minimum violent sentence. At this point Im frustrated, I tell Mr. Davis, Im innocent, didnt do anything, they have written statements, video statements, of Kelly confessing everything, theres recorded phone convo of Kelly confessing and apologizing for getting me involved, as well as stating who hired her to do what she did, on top of all that I helped law enforcement in 17 cases, way more serious than mines, And thats the best you can do. Im dissapointed in my attorneys effort and fight to prove my innocence. Its like Im guilty even though Im innocent.

Mr. Davis left and it was again a couple months before I heard from him again. When I finally heard from him, it was a meeting with him, a Solicitor from Kershaw not sure his name, but a black bald male was his description, and a richmond county deputy. My lawyer explained to me that they were interested in the info I gave and had on Timothy Bennett charged with attempted murder. Before I gave the info I was told that by my lawyer if I give a statement they would drop my PWID down to possession and plea it would be time served and they would P.R. Bond me on my trafficking charge. At this point, my lawyer explained this is as good as its going to get, and will allow me to get home to my family, so I agreed to give the statement and answer questions of the Solicitor. After giving the statement and answering all questions, the Solicitor said for cooperation they would agree to the Plea and P.R. Bond, and that it should be two weeks I go to court, that he would let my lawyer know. So again at this point Im feeling back somewhat positive that I can atleast get home to my family. Two weeks go by I hear nothing from my lawyer, me and my family are wondering Whats up, we thought I was going to court. So my family again is calling leaving messages and my lawyer is not responding, on top of that I heard that Timothy Bennett went to court and was sentenced. Again Im frustrated and just really exhausted, as well as my family. Then one day out of know where the C/O tells me McLaughlin pack your things, Im thinking God answer my prayers Im finally going home, they dismissed my charges, Only to find out they were transporting me back to Kershaw co. jail, and that things only became worst for me. I finally spoke with my lawyer two days after my transfer and he tells me, they tested the ecstasy pills, and it came back as methamphetamines, that now they are offering 10 years non violent or go to trial and they will give Kelly the max 25-40 years. Im destrought at this time, wondering why me, why are they putting me and my family through this. Im thinking to myself 10 years for something I didnt even do, what about my kids my family, my life. Mr. Davis said I had a week to decide and he would come back to figure my decision. After speaking to Kelly, my parents, we were all dissapointed and could not understand why. Kelly was scared, because she didnt want to be taking away from our 3 kids for 25+ years over a mistake she had done, and scared for me as well. As a man, Kellys partur, and her being the love of my life and mother of my kids, I felt like I was in a hard spot, what am I too do. The following week, Mr. Davis came back to visit me, he showed me the video, the statements of Kellys confession, and told me in trial we would win the case

because theres no evidence or confession of you, but she confesses and evidence all point to her, and then he told me that I would have to testify against the love of my life, and in so many words send her to prison for 25-40 years, over a simple mistake she made. It was weighing heavy on me, I asked Mr. Davis what would you do in my situation if you were innocent, but your freedom would cost sending your wife the mother of your kids to prison for life, he gave me a hard answer he said I would worry about myself. Morally I felt that was wrong, I have been locked up a year now. Kelly has been here raising our 3 kids 2 of them infants, she is my wife the love of my life the mother of my kids. There's no way I can testify against her, how would I explain that to my kids.

I told Mr. Davis Please push for me a better deal, Im innocent but willing to give the solicitor what he wants a conviction, for the freedom of Kelly, also I have gave them so much information and have no past drug offenses, the only offenses I have was a domestic offense bycous ago between me and my ex-wife. I also enclosed a letter to Brett Perry and Officer Myers that I requested my lawyer to give to them both, but he said he didnt want to give to them, which I didnt understand. Mr. Davis then told me he would see what he can do and that he would come see me again before I go to court. I didnt see Mr. Davis until I entered the court room, He came to me and told me Brett Perry is not coming down the deal is 10 years non violent or Go to trial under the harshest judge and he will push for the smack on Kelly and take her deal of probation off the table. I Look over at Kelly, and my Parents, and just thought what would my father do. I told Mr. Davis Please Plead with Mr. Perry for something less, Im innocent, hes in a win win situation, Mr. Davis said let me see what I can do, he comes back less than 5 minutes and with paperwork, and tells me Charlie Im sorry, but hes asking for 10 years violent, with a strike, furious I said to my lawyer thats not what we agreed on, 10 years violent for something I didnt even do, he said I know Charlie but this is as good as its going to get, unless you want trial and risk Kelly getting 25-40 years, at that point tears came down my eyes, Im feeling helpless and lost, and couldn't figure why me. Thats Brett Perry comes over to me they Charlie, this is the deal take it or we go to trial in 2 weeks and face 25-40 years with a smirk on his face. Im so hurt a frustrated at this point, its like Im force to take 10 years for something I didnt do, or go to trial and testify against my wife and she gets 25-40 years. Feeling Forced to do so I not because I was guilty but because I was pressured and earned I signed the plea deal, so that Kelly could get probation and remain raising our kids. Before I went in front of the Judge my lawyer tells me to say I have no complaints with the solicitor, him, or the officers

and that I was never promised anything from anyone, and that I'm satisfied with my lawyers duties, and that I agree to how my situation and case was handled, and that if I didnt or explain how I truly felt that, they would take my deal of 10 years and Kellys deal of probation off the table and take us to trial for the 25-40 years. So again I felt forced and pressured not to speak how I really felt and the truth about how I was treated in the matter. If I did, again I was doomed and faced severe penalty. My basis for my appeal is for several reasons, first, being that I was already treated and stereotyped as guilty, with no evidence to prove me guilty. Second, my co-defendant had gave a recorded and written statement admitting guilt and that I had no acknowledgement of the crime or charges, third, my lawyer states to me that my race is the reason they want to convict me, and that if I was a white man I would be free. Fourth, I gave numerous information to the Kershaw and Richland Co sheriffs and Solicitors office, with promises given to me that was never completed. Fifth, I don't think or agree that my attorney represented me properly according to my behalf, that ultimately played a part in me receiving this time and guilty plea I recieved. And last but not least I believe even the time and sentencing was too harsh for not having a severe background or even drug related offenses. I ask that the Court of Appeals, truly consider and grant my appeal under these basis and explanations I have provided in this letter for appeal. All I want is fairness and justice, and through this time, pain, and suffering a Peace of mind. Thank you for taking the time to hear my arguable basis and explanation of appeal. I Look foward to hearing back from you. Have a wonderful day, and May God bless you!

Sincerely,

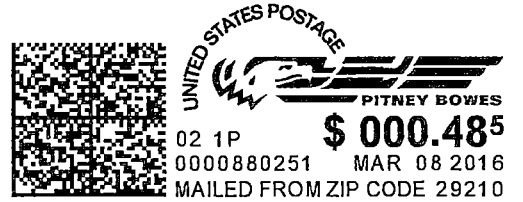
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MAR 08 2016

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MAR 10 2016

SC Court of Appeals

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