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The South Carolina Court of Appeals

APR 21 2016

SC Court of Appeals

To the S.C. Court of Appeals. Hello, my name is William Brian McCanz #301674. I am writing in regards to my Appeal process of "The State Vs. William Brian McCanz, Appellate Case No. 2015-001794. This Appeal stems from a Guilty Plea on 6-24-15 in Williamsburg County on the charge of "Receiving Stolen Goods under \$2,000.00 Misdemeanor enhancement where Mr. McCanz was sentenced to 5 years by Judge Newman.

I am Appealing this sentence because of the circumstances involved in my sentencing. Please, be patient with me because I am doing this Appeal on my own without the help of Counsel or legal advice because we do not have a Law Library here at Weldon Cor. Inst. to help with legal issues concerning Appeals. But, I do ask that you be open minded to my reasons of why I am Appealing this 5 year sentence handed down by Judge Newman.

First, while incarcerated in Williamsburg County, my lawyer, Donald K. Harvin and Solicitor Swilley called me to the Court House the Friday prior to the week of General Sessions Court. Solicitor Swilley informed me that she would offer me a Plea deal of one (1) year Drug Court in exchange for a Guilty Plea of "Receiving Stolen Goods" under \$2,000.00 Misdemeanor enhancement. I informed her that I would accept that Plea deal of one (1) year Drug Court in exchange for a Guilty Plea, only if she could guarantee me that I would receive no Prison time. From there, Solicitor Swilley informed me that I would not receive any Prison in exchange for my Guilty Plea. I only accepted this Guilty Plea offer of Drug Court because my father was under the care of Hospice from a Terminal illness.

The following Wednesday I was called back to the Court House where Solicitor Swilley informed me that Drug Court had accepted me into the program. From that point, my ~~lawyer~~<sup>lawyer</sup> and Solicitor Swilley brought me all the Drug Court paper work to sign saying I would accept a Guilty Plea of "Receiving Stolen Goods" under \$2,000.00 and the Drug Court Plea deal. I signed all the necessary Drug Court paper work under the impression that

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Judge Newman was going to except this Plea deal from Solicitor Swilley and that I would be going home that day as promised by my lawyer and Solicitor Swilley.

From there, they informed me I would be going in front of Judge Newman at 9:00 A.M. I specifically ask both my lawyer + Solicitor if Judge Newman was going to except this Plea offer. Their response to me was, Judge Newman has never not excepted one of my Plea offers. So I said, if you are sure, then I am ready to Plead Guilty today to one (1) year Drug Court. I can remember this like it was yesterday, Solicitor Swilley said, Brian (me) relax, you are going home today. I was so scared and nervous because I knew my father's days were very limited.

At 9:00 A.M., I was called into the Court room in front of Judge Newman. I informed him that was pleading Guilty willfully and knowingly to what I was doing. From that point, Judge Newman made a spectacle of me in the Court room. Yes, I do have some pirs on my records. He would read off a prior conviction from my record and ask, Mr. McCant what did you steal during this crime. Then, he would read off the next charge from years earlier and ask the same thing over + over, what did you steal on this charge. I personally feel he made a spectacle of me that morning in the Court room, I was so ashamed + embarrassed.

Solicitor Swilley informed Judge Newman that she was the one who offered me this Plea deal as part of a Guilty Plea. Needless to say, Judge Newman did not except the Plea deal Solicitor Swilley offered for my Guilty Plea. From there he sentenced me to five (5) years in the Department of Corrections.

I was devastated over this decision. I feel that my lawyer and Solicitor ~~was~~ <sup>were</sup> as shocked as I was over this decision. To make the situation worse, my father passed away that same evening after my sentence was handed down on June 24, 2015. This was hands down the worst day of my life. My father was a retired Nyway Patrolman for over 30 years. My mother not only lost her husband of 54 years, she also lost a son to Prison all on the same day.

my appeal to you is that I was not given the sentence of one (1) year Drug Court as was promised by the Solicitor and my lawyer. Also, my lawyer did not argue on my behalf as you would think a lawyer would for his client, especially after a Plea deal was signed upon.

(bitter)

My lawyer, Mr. Barrin, should have defended me to the bitter end knowing a Plea deal had been worked out between myself, Lawyer Barrin, + Solicitor Swilley. He really didnt say anything on my behalf to encourage Judge Newman's decision upon my Plea deal agreement. All I did was except the Plea deal in exchange for my Guilty Plea that Solicitor Swilley offered. My Plea deal was a guarantee of No Prison Time before going into the Court room. The only thing I was told, was to relax, you are going home today!

I have been as truthful as I can possibly be with this statement on the circumstances of this case and appeal. I truly feel that Solicitor Swilley and my Lawyer Barrin will back this statement and facts I have presented to you concerning what took place in Court.

Sometimes it takes losing yourself in life to find yourself again as a person. I am the first to admit that I have made mistakes in my life over the past several years that I am very ashamed and embarrassed by. But, I do feel this plea deal of Drug Court was a fair deal offered by Solicitor Swilley which I excepted for a Guilty Plea.

I ask that you please consider my Motion for an Appeal on the following issues:

- ① I excepted a Guilty Plea under the terms of being sentenced to Drug Court for a period of one (1) year through myself, Solicitor Swilley, + my Lawyer Dward K. Barrin.
- ② Judge Newman went against the Plea offer that was offered to me by Solicitor Swilley of one (1) year Drug Court in exchange for a Guilty Plea of "Receiving Stolen Goods under \$2,000."
- ③ Inefficient Counsel, my Lawyer, Dward K. Barrin should have done more on my behalf to see that I received the offer of Drug Court that was offered to me by the Solicitors office instead of remaining basically quiet throughout the Court proceeding only asking Judge Newman for leniency on my behalf instead of what the signed Plea deal consist of in exchange for a Guilty Plea.

I am not aware of certain Codes to be used for an Appeal. I can only hope you have read over this letter to get an idea of what transpired last June of 2015 in Williamsburg County in front of Judge Newman. I do know that my family spoke with another Circuit Court Judge who was shocked over Judge Newman's decision. I received this letter on April 13 (Appeals letter) but it's dated March 14. The letter of Appeal states that I have 10 days to respond, I have

enclosed a copy of the envelope with the Postmark date of April 11, hopefully this will be sufficient of proof.

Hopefully, my statements and grounds for an appeal is enough to get me back into a courtroom. If the sentence handed down would have been a fair ruling I would not be writing you about an appeal process. For me, when you are promised something by your lawyer and especially the solicitor's office you expect that promise to follow through as I was told.

I would not have plead Guilty or took a Guilty Plea whatsoever if a one (1) year Drug Court promise would not have been offered to me in exchange for a Guilty Plea by the Solicitor's office! Please help me with any assistance possible.

Sincerely,

William Brian McCants 301674

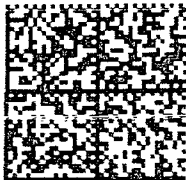
My lawyer's Address	Mr. Edward K. Harvin, Esquire P.O. Box 520 Hemingway, S.C. 29554	Edward K. Harvin OF Williamsburg Cnty Public Defender 125 West main St. Rm. # 309 Kingstree, S.C. 29556
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Mr. Harvin, is not a retained lawyer at this time. He was my Public Defender during my sentencing phase of this case under appeal. He is the one who sent me this appeal Paper work. I'm sure you will know what to do, thank you.

SCDC #	301674
SID-SC	01445704

Doward K. Harvin  
Public Defender Office  
Irg County Courthouse  
Main Street, Rm # 309  
South Carolina 29556

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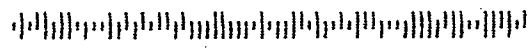
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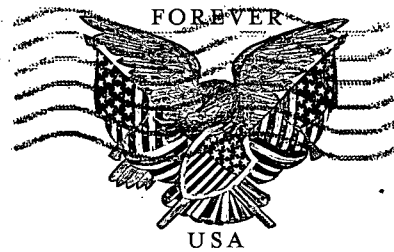
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The S.C. Court of Appeals **RECEIVED**

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