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January 17, 2016

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SC Court of Appeals

re: State v. Brian Z. Morton
Appeal Case Number

2015-002612

To whom this my concern,

I was advised by my lawyer Charles D. Hayes to inform you all with a written statement explaining issues preserved for an appeal. When I got sentenced to 30 years on November 12, 2015. Judge Early advised me and Leon Simmons, which is one of my co-defendants that was there with me and got sentenced with me in court, that if we was to refuse the plea our trial will start on that following Monday and also the plea would be taken off of the table. He also advised us that we was getting charged with the hands of one hands of all law so if we took it to trial we could get charged with the Max for Murder with the Armed Robbery and the Burglary 1st degree ran concurrent. with it, or we could beat all except one charge and get the max for it, or all the charges could get ran consecutive if found guilty of them all. He also stated that all 5 of us was getting offered the same plea with no charges dropped down. With all that said my conscience was more willing to plea, not to mention the pressure of my lawyer telling me that the State had incriminating evidence on me. Charles D. Hayes told me that if I was to confess and tell the story like it is he would be able to get the Murder dropped down to voluntary manslaughter or involuntary manslaughter, get the Burglary 1st thrown out, and get the Armed Robbery dropped down to Strong Armed Robbery. On October 28, 2015 unknowingly I was taken to Aiken Department of Public Safety to confess prior to my lawyer telling me if I confessed and cooperated he would be able to get the charges dropped down to the above mentioned charges, so I did so. Thirteen days latter once again unknowingly I was taken to General Sessions Court to accept or decline a plea of 30 years for Murder, Armed Robbery, and Burglary 1st. As mentioned before that was not the plea or deal me and my lawyer agreed to. Shortly after me and my lawyer discussed this issue, he advised me that court has been canceled for some strange odd reason. While in discussion with him he told me, me and my co-defendants were only up there for roll call advising Judge Early if we were going to plea or go to trial, if trial a trial date will be set. He advised me that on that following Thursday, my co-defendants and I would go in front of Judge Early to make a decision to plead guilty or not guilty. So on November 12, 2015 I plead guilty to the above charges.

After pleading guilty one of my co-defendants Rashawn Issac goes to court in December after refusing the plea and get offered another plea of 25 years with the charges Voluntary Manslaughter, Armed Robbery, and Burglary 1st degree. In which he plead to. Then on January 7, 2015 my other co-defendant Markeese East went to trial after refusing both of them pleas, and lost receiving a sentenced of 30 years with the charges Murder, Burglary 1st, and Armed Robbery. I strongly believe that I was forced by my lawyer and the Judge to take the plea. My lawyer Failed to uphold the integrity of his profession by Failing to Fulfill his obligation provided in Rules 1.3, 1.4 of the S.C. Rules of professional conduct by an attorney. I've tried to relieve Charles D. Hayes six times on many occasions for the same overall reasons. He didn't feel confirmation when providing service to me in the preparation of my defense. He never assigned an investigator to seek out material fact in the case or mitigating circumstances. Counsel also misinformed me concerning my options in the case as well as adequate defenses, many times. The fact that Judge Early stated that there was not going to be no more pleas offered and the 30 year plea was going to be taken off the table if refused is another reason why I took the plea. But on the other hand my codeffendent Issac he refused that same plea on that same day. Then the next month he was offered 25 years with lesser charges which was Voluntary Manslaughter. How could that be when judge Early stated that we all will be charged with the same charges, offered the same plea with no charges dropped, and given the same amount of time to go to trial after refusing the plea. Then Markeese East go to trial in January which is 2 months from November, lose and get the same amount of time I get, the same charges, and I plead guilty off of the words of Judge Early saying that I will get more than 30 years if found guilty of anything at trial. And my co-defendent Trevonne Butler still in the County fighting his case now. I believe I should give at least some of my time back off of these facts not to mention that I didnt kill anyone, confessed to my part, and I'm not guilty, as charged based on evidence and confession. The crime does not match the criteria of murder, it was not intentional at all, and it was a struggle over the gun. According to the crime, there was no Burglary 1st. witnesses stated that it was a party/get together in the house so people can come and go as they please with no permission from the home owner. Also we was let in the house, and after entering the house nothing was damage. So how could that be burglary? I pray that the appeal that my attorney filed for me comes in effect with this.

letter he told me to write to you all. I have not received my sentencing papers nor my sentencing transcript of November 12, 2015 yet. I told my lawyer I need it he hasn't sent it to me. Thank you for your time and consideration.

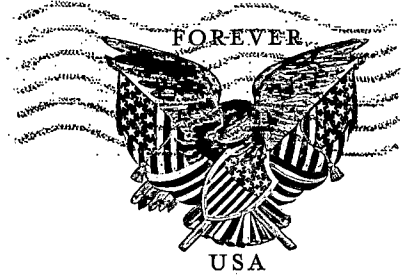
Respectfully Submitted,

Brian Z. Morton

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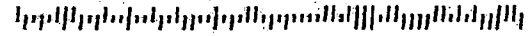
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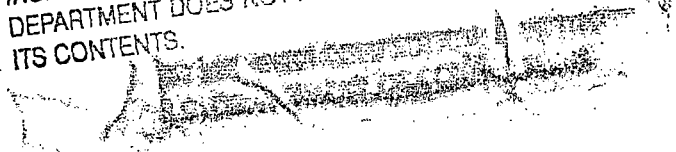
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