

Dear Court of Appeal

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June 14, 2016

JUN 20 2016

Appellate Case No: 2016-0009168

The ~~SC~~ Court of Appeals for an appeal is: Ineffective Assistance of Counsel.

The Counsel (Timothy M. Ray #70498) was Ineffective because he failed to Investigate my Case Properly. The reason is because he failed to come talk to me while I was in jail for two years. He came in June 2014 to receive payment and tell me he would get me a bond hearing. The next time I saw him was April 21 2016 and my Trial was set for April 25 2016 9:00 Am. Where he told me if we went to trial I would more likely receive Life in Prison w/o parole. The reason he stated was he could not cross-examine the 2 Underage Witnesses or Victim. Also he never tried to contact my Witnesses I gave him, never tried to get my D.O.T E-logs to Prove my whereabouts, and told me that even though an Officer read through my motion of Discovery he did nothing wrong. (Can't remember officer name believe it was Page. It would be on kiosk at Spartanburg County Jail)

So I was lead to believe that if I went to trial I would get LIFE in Prison, and that the only option / best option was to take a Plea.

I was not confident that I would have a fair Trial due to the fact my lawyer first visit to me was 4 days before trial which left no time to prepare and said They can't Prove you did this but we can't Prove you didn't. We go to trial; we Lose. It 3 of

Them against you, and I can't cross-examine.
(Attached is list)

1. They had No Physical Evidence "DNA" or Proof that girls had sex

2. All statements were conflicting

3. I was the only one arrested of 3.

4. First time lawyer came was April 21 2016 Trial was set for April 25 2016 9:00AM

5. Told me he could not get D.O.T logs to prove my whereabouts.

6. Never tried to contact witnesses I gave him.

7. he told me if I went to trial I would get Life w/o parole because he could not cross-examine the 2 underage witnesses. (if they get emotional we lose LIFE)

8. he told me and my family I would get 10 years suspended to 5 years or 36 months. Then at Plea court came and said the charges now carry 15 years

But they would run together, then said the Solicitor won't agree to the 36 months but if I give them the full name and whereabouts

of the other people or some information on illegal stuff she would not object to it if he asked. "I say No". Then he comes back

and says if I admit guilt not No-contest the judge will probably / most likely give me 5 years 5 years Probation. I say No cause I didn't do it. Then he say "well maybe he won't give you the whole time maybe 8 years!"

9. In the court room the judge ask me questions I cant answer Plus I worried about getting 30 year so I tell him I don't know I'm to nervous to think. he tell my lawyer

to take me out the court room to Counsel me.

Attachment

Paid in full May 2014



My lawyer says you need to just answer his question and not make him mad. Just say yes or no. I tell him well he asked if I was guilty I said no, I'm Plead No-contest. Then he told me what the judge was going to ask and what I need to say from then on.

10. He told me I will not get the max on the sentences because I have never been in trouble before and have only Resisting-Arrest on my record \$250 fine. and there is no real evidence that I did the crime.

Sentences 15 years / 15 suspends to 5 years 5 years Probation

Want to give atleast 50% back.

Credit for time served.

Respectfully yours,


Garret D. Fair

P.S. Still havent received ^{Court} transcript from ~~lawyer~~ Tim Ray.

Xavier D. Fair SEC# 368055

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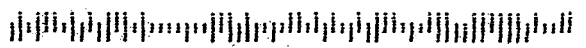
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