

# SCHUSTERMAN LAW FIRM, P.A.

*Attorney at Law*

541 EAST MAIN STREET · POST OFFICE BOX 4211 · ROCK HILL, SOUTH CAROLINA 29732  
TELEPHONE 803 325-7788 · FACSIMILE 803 325-7889

STEPHEN D. SCHUSTERMAN

November 30, 2016

V. Claire Allen, Deputy Clerk  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

**RECEIVED**  
DEC 02 2016  
SC Court of Appeals

**Re: The State v. Laterrica Hill**  
**Appellate Case No: 2016-001955**

Dear Ms. Allen:

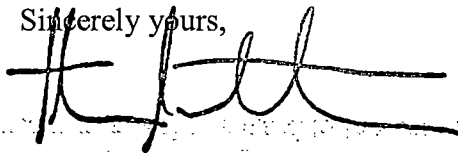
Pursuant to your letter of November 1, 2016, enclosed please find Ms. Hill's explanation of the arguable issues that have been preserved for appeal in regard to the above captioned case number.

As you requested, Ms. Hill prepared her own explanation of her mental state, mindset and understanding of the plea. From a legal standpoint, it is Ms. Hill's position that she did not enter into this plea freely and voluntarily. Due process requires that a defendant must enter into a guilty plea voluntarily, knowingly and intelligently. *Anderson v. State*, 342 S.C. 54, 57, 535 S.E.2d 649, 651 (2000). Additionally, it is our position that the record will reflect that the Court did not advise Ms. Hill of the nature and crucial elements of the charges and the proper maximum penalty of the crime which she was charged which is required under law.

If you wish to discuss this matter in further detail, please do not hesitate to contact me.

With kind regards, I am

Sincerely yours,



Stephen D. Schusterman

SDS/  
Enclosure

To whom it may concern:

At the request of my attorney from the public defender's office, I underwent a psychological evaluation. The evaluation was very brief and limited. The doctor very briefly listened to me discuss my past sexual abuse, my depression, my paranoia, voices I hear that sometimes seem to take over my mind and my judgment as well as my desire to take my own life. My evaluation revealed that at the time this offense was committed, I was suffering from a mood and a trauma and other stressor related disorder. Additionally, it was determined that I suffered from paranoia at various times and it intensifies when I am around people. It also determined that I was depressed and suffered from post-partum depression. We did not discuss any of these issues in depth nor did she ask me questions about how I felt currently. There were also factual errors in my report including that my father had died when I was two. Based upon very limited information, she determined that I was able to assist in my defense. I do not believe that I could properly assist in my defense nor did she do a proper evaluation to determine my mental health.

Throughout my life, I have repeatedly heard in my head, my father telling me to do certain things. I would hear him telling me that I was inadequate, a disappointment and that my life was worthless. My father died when I was 26 years old. Since his death, there are often times when I hear his voice in my head. When this happens, the urge to comply and/or believe his words are so powerful that I feel as if I have no control over my own thoughts or actions. Additionally, I have been the victim of sexual abuse by a cousin who I continue to see at all family functions. I live in fear every day for my own children and my nieces and nephews when he is around and end up reliving my own abuse regularly because of the contact with him. I have not received any true counseling, therapy or psychological treatment for myself to deal with any of these issues or for my post-partum depression that I suffer from since the birth of my child.

A handwritten signature in black ink, appearing to be the initials 'LH' or a similar stylized name.

Throughout the criminal process, to put things mildly, I had very limited contact with my attorney. About two weeks before my actual plea, I was contacted by my attorney and she told me that she had a deal for me that I needed to take because it would give me five years. She told me that she thought I needed to take the deal, after talking to my husband; I informed her that I would not take the deal. I indicated to her that I would be looking for another attorney. I went to her office later that week to pick up my file. At that time, she brought me into a small room with her supervisor. Her supervisor was attempting to convince me to take the deal and was telling me that I had no chance at trial and I would end up with 15-20 years. I really felt overwhelmed and that they were pressuring me into taking a deal that I did not want to accept. I did not know why they were doing this because I had told them I was going to hire a new lawyer. During this time, voices of my father were constantly in my head and I often found myself struggling with trying to determine what voices were real and which ones were not. The voices frequently told me that I had ruined my life and I needed to just commit suicide. This was an ongoing thought in my mind.

We hired our own attorney and one day before the solicitor's office wanted me to plea, I spoke to my new attorney 3-4 times that day. He told me that we were not taking the plea that my prior attorney had told me about and I would basically put everything before the judge and he would decide my punishment. I was instructed to bring as many people who could speak on my behalf to the Court the next day. I had no idea what I was facing with leaving it up to the judge, but again I was told that I could not take my case to trial because I would lose and this was my only option. My husband helped me get as many people as I could to attend court with me the next day so they could speak to the judge.

When I got to court the next day, my paranoia was so severe that I could not concentrate. I felt as if people were talking in a language I could not understand. Everything was happening so quickly. I was rushed by my former attorney into a very small room and told I needed to sign these papers because I was going to have a negotiated plea. (I had no idea why this attorney was even with me or why she was the one who was having me sign paperwork) I had absolutely no idea what this meant nor was it explained

A handwritten signature in black ink, consisting of a stylized 'LH' or similar initials.

to me. All I wanted to do was get out of the room. I did as I was told and initialed where I was told just so I could get out of the room as soon as possible. I felt like I could not breathe.

As I stood in front of the judge, I was told I needed to answer the questions the judge asked me so the deal could go through. (I still had no idea why I was taking a deal when the night before I thought I made it clear I did not want to take a deal). As the judge was talking to me, I had no idea what he was actually saying to me. I heard bits and pieces of what he said. I stood there frozen. I heard voices in my head once again telling me how I should just end my life. My paranoia had taken over and all I could think about was getting out of the courtroom. I could not even pay attention to what was happening. I was very confused and had no idea what was going on.

During my defense, I felt like I was being pressured into taking a deal. I was repeatedly told I had to take a deal because I had no chance at trial and that a jury would find me guilty. I would end up in jail for 15-20 years. This is why my husband felt I should hire another attorney because all they wanted to do was have me plea when I repeatedly kept saying that I did not want to take a deal. I don't understand why I did not have other options. I do not understand why my prior attorney was the one who brought me in a small room and told me to sign and initial papers that I had no idea what they were.

After the plea, I went home and started reading with my husband to try and figure out what happened. I realized after some research what I had given up by signing the paper that was given to me. I immediately realized that if everything was explained to me, I never would have signed the paper and gone along with everything. I essentially just did as I was told.

Latomia Hill

**SCHUSTERMAN LAW FIRM, P.A.**

*Attorney at Law*

541 EAST MAIN STREET • POST OFFICE BOX 4211  
ROCK HILL, SOUTH CAROLINA 29732



02 1P \$ 000.46<sup>5</sup>  
0000261371 NOV 30 2016  
MAILED FROM ZIP CODE 29730

**RECEIVED**

DEC 02 2016

SC Court of Appeals

V. Claire Allen, Deputy Clerk  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

29211-162929

