

Honorable Jerry Abbot Kitchers,

I just as of yesterday 11-29-16 recieved the letter from my public defender David Schwacke concerning the appeal that he has filed at my request. Your honor I am asking for this appeal because I feel I never recieved fair, just or adequate representation. I am not an attorney and hope that as I write this and submit it to you that you will take that into consideration that I am submitting this without assistance of counsil's help to word and format properly.

First of all I feel my attorney was inadequate because there were things I asked him to do as my attorney, motions I asked to be filed that he either didn't do, made excuses for not doing or told me he would do but never did. When I started considering a plea agreement I told him two particular judges I didn't want to go before he told me he would see to it that I would go before the judge I wanted to if I plead guilty but I did go before one of the two he said he would keep me from going before.

Another reason I feel an appeal should be granted is because I wrote 3 letters to the Berkeley Co. public defenders office from November 2014 until the middle of 2016 requesting a new public defender and never had any responses to the first two requests but the third one around the middle of 2016 Mr. Schwacke himself came to see me at the jail smugly with the letter and told me "well I am still your attorney so what can I do for you?" Many times I told him he was suppose to working for me and I didn't feel that he was and he wasn't doing his job to which he always replied "well you're guilty so what do you want me to do for you." So finally after my last visit with him around the beginning of October 2016 I decided to write to the Court and ask the judges to appoint me a new Attorney (Please see copy enclosed dated 10-19-16) public defender or Probation because I felt I wasn't being represented well and had no confidence in Mr. Schwacke.

On the morning of 10-28-16 I was brought to court from the jail I hadn't seen Mr. Schwacke and had no idea I was going to court when I went. I spoke to my attorney in the conference room told him people I wanted to speak on my behalf at the sentencing time had no notice and I felt I wanted them there, he also told me how the plea was worded which I had told him I wouldn't agree to a Negotiated plea but a recommended plea because I knew with a nego. plea that's the amount of time I would receive he also told me at that time I wasn't going in front of Judge Dennis but in front of Judge Kristi A. Harrington which was one of the judges I didn't want to go in front of. When I told him no I didn't want to accept that plea in the conference room at the court house he became irate yelling at me saying "I had to give a little to get a little" to which I replied "what am I getting David, this is my life we are talking about". He then told me if I didn't accept this plea I would get life in prison to which I told him as I had many times 30 years was life for me at 46". When I went into the courtroom I told Judge Harrington about the letter I had written to the court on 10-19-16 asking for a new attorney and she told me "she didn't read letters from inmates and that now was the time to voice my concerns" and I tried but couldn't because of the intimidation I felt because of my attorney's intimidating behavior, yelling at and threatening me that I would get a life sentence if I didn't accept the plea that day as offered, he even went and spoke to my nineteen year old daughter and told her the same thing and convinced her if I didn't accept the offer I would get life and coerced her into writing a note on his legal pad saying what he had told her. He never gave my family more than 48 hours, usually 24 hours notice of my hearings. you can call my daughter Meagan Dubose at (843) 751-0201 to confirm this if you'd like.

I had also asked Mr Schwacke to ask that my probation, that ③ I had completed 4 years of the 5 years from Dorchester Co. to be ran with the charges I had now so I wouldn't have to deal with that once I was done with this he told me he would do that as well but the morning I went to court 10-28-16 and I asked him about it he told me that would be handled while I was incarcerated but I have found out that more than likely it will still be hanging over me when I'm released which is why I asked Mr. Schwacke to have everything combined and he went back on his word to me.

During my time in county it came to my attention that my victim may have been an advocate or employed by Berkeley Co. and I asked my attorney to have this investigated to which he told me his investigator was on sick leave and that investigation wasn't done. I asked him to talk to Ms. Williams supervisor to try to negotiate lesser charges but that wasn't done either. He called her 1 time but never tried again even though I pleaded.

I also feel that since the solicitor agreed to drop the gun charge against me, that I should have been able to plea to 2nd degree burglary and also because it was a garage not living space I asked Mr. Schwacke over and over again to talk to my solicitor and her supervisor about this but all he kept telling me was she's not going to do that he wasn't trying to work for me and get my charges dropped even though I was willing to plea guilty.

I also was going through a lot at the time of my crime and my psychological evaluation was done 1 year after my crime when I was back on my psychotic meds and things had changed emotionally in my life. I feel that was not right too much time had passed to judge what my state of mind was at the time it happened. Also in my eval I told the psychologist I had no confidence in Mr. Schwacke (see report) and wanted a new attorney. Also because I suffer from PTSD because of being sexually, verbally, psychologically, and emotionally abused and am prone to shut down (which is what happened on 10-28-16 in court) and kept asking for another attorney preferably female to help me be comfortable enough to talk to that person.

I gave Mr. Schwacke some literature I came across during my incarceration that I felt may have been useful to him during my sentencing and he told me he had some of his own things that kind of went along with what I had given him that he intended to use but he never argued for me to be given less time. I was given the maximum sentence for the ABNA, Kidnapping and Burg. 1st even with no real record. Most traffic, 3 misdemeanors, of felony that I was over 1/2 way through probation for. I guess I feel my sentence was extreme since none was physically injured. I told my attorney who to contact for my medical records and feel since they weren't all provided at the time of my evaluation that my diagnosis wasn't totally correct either even though I was self medicating myself to deal with grief from an assault from my significant other and death of my mother and aunt that the fact I was using Khelepin and had been off my psych meds approx. 2 weeks should have been considered as well because I wasn't able to use normal judgment. I asked him to let them know that but he didn't. He use to be a prosecutor and I feel he forgets he is suppose to be working for not against his client.

I feel I had very inadequate counsel and should have been appointed new counsel. Mr. Schwacke even when asked by the judge on record stated I wasn't happy with his representation and I feel at that time the judge should not have accepted the plea, on all of this I feel I should be entitled to an appeal. I also feel that it would be a conflict to have to appear before Judge Harrington in Berkeley Co. I was so intimidated by what Schwacke did I just bowed down like I always do. I pray that what I've said and provided will be enough to grant my appeal. Thank you for your consideration in this matter.

Please return a copy of this entire letter and other letters enclosed to me at.

Gookins, Julie 370329
CGI R+E BRE 2134
4450 Broad River Rd. Columbia, SC 29210

Sincerely,
Julie Gordon-Gookins



COPY

Forensic Psychiatry Program
Department of Psychiatry and Behavioral Sciences
29C Leinbach Drive
Charleston, SC 29407
Tel 843.792.1461
Fax 843.792.2254
forensicpsychiatry@musc.edu

November 18, 2015

David Schwacke, Esquire
219 N. Hwy 52, Suite E
Moncks Corner, SC 29461

COPY

Re: The State of South Carolina v. Julie Lynn Gookins (Gordon)
Department of Mental Health #:963-5788
Berkeley County, Court of General Sessions

RECEIVED

DEC 12 2016

SC Court of Appeals

Dear Attorney Schwacke:

In accordance with the court order issued by the Honorable Kristi L. Harrington, a competency to stand trial evaluation was conducted by the South Carolina Department of Mental Health pursuant to S.C. Code Ann. §44-23-410 (1976).

Please see the attached report for the results of this evaluation.

This **thirteen** page attached report is certified to be the original court-ordered evaluation report issued pursuant to S.C. Code Ann. §44-23-410.

Nov 18, 2015
Date

Bonnie Dykstra
Bonnie Dykstra
Forensic Administrative Assistant

cc: Anne M. William, Esquire
Cathy Garner, DMH

indicating "they took that person against their will." She further reported she is being charged with "Burglary First." She reported that when police charge someone with Burglary First they are indicating someone "broke into somebody's residence and stole." She reported she is being charged with a "weapon charge." She was educated that the official name of her charge and she verbalized understanding. She reported that the charge of Possession of a Weapon during Commission of a Violent crime "has to do with a gun in your possession if you don't have a weapons permit." She reported that the role of a defense attorney is to "argue my case, I guess." She reported her defense attorney is "supposed to be on my side." Ms. Gookins reported that the role of the solicitor is "to prove I did what they charged me with." Ms. Gookins reported the role of the judge is to "decide whether I'm guilty or innocent," but "not if there's a jury trial." With education, Ms. Gookins reported there are "12" members of the jury. She reported the jury is "neutral" and their role is to "listen to everything and decide." With education, she reported that in regards to how many of the jury have to agree for a guilty verdict to be reached she reported "all of them." She reported that if there is a disagreement she is "found innocent...start over." She was educated that no verdict is reached and it is considered a mistrial. She reported that the role of a witness is to "give info they saw or that they know." She reported that in terms of what side a witness is on she reported "both."

Ms. Gookin's reported a defendant who enters a guilty plea is saying "they did what they were accused of." She reported after a defendant is found guilty the judge "tells you what sentence." Ms. Gookins reported a defendant who enters a plea of not guilty is saying "they didn't do what they're accused of." She reported that if found not guilty that is the "end of case" and the defendant can "go home." She reported entering a not guilty by reason of insanity (NGRI) plea means they are "not guilty because they weren't in their right mind when they committed the crime." If found NGRI she reported the defendant will "go to a hospital for psychiatric treatment or jail." She was educated that a defendant would likely go to a state hospital for psychiatric treatment and not jail. She reported entering a plea of guilty but mentally ill (GBMI) means a defendant is saying they "committed the crime but have mental illness." She reported that if found GBMI a defendant will "go to prison and receive psychiatric treatment." She reported a plea bargain is "where prosecutions offers a different charge on a sentence to plead guilty to a charge."

Ms. Gookins' rational understanding of the proceedings against her was assessed. In regards to whether or not she should speak with the solicitor she reported that she "asked to speak with her because I wanted to talk to her about my case." When asked if that is a good idea she stated "not without my attorney present," "according to my attorney." Ms. Gookins' reported a good reason to take a plea bargain would be "if they knew they were guilty or would probably be found guilty or were facing a lot of time for it." She verbalized "if not a lot of evidence of course wouldn't want to take a plea bargain." When asked if she would testify if her attorney did not think it was a good idea, she reported "I don't know." In regards to whether or not she felt she would receive a fair trial she reported that she is "less likely" than others "because of what I'm accused of." She reported that "no" the prosecutor cannot require her to testify because there is a "right not to incriminate yourself." She reported "no opinion" when asked what side or neutral the judge is on because the "judge is going to do what the prosecutor wants." She reported she feels this way "because I've seen it a lot. In 14 months in jail, seen a lot of people

found guilty.” She reported that the only time you are supposed to talk in court is “when you’re asked questions by the lawyers or the judge.” She reported that if she did interrupt the proceedings they “could take me out of the courtroom” and acknowledged she could be charged with “contempt of court.”

Ms. Gookins’ ability to work with her attorney to assist in her own defense was assessed. Ms. Gookins reported the name of her attorney is “David Schwacke.” She reported she “asked for a different attorney twice.” Ms. Gookins reported he talked to her for “10 minutes.” She reported she is concerned about her attorney because “he wasn’t prepared” at her bond hearing. When asked if her attorney was prepared if she could work with him she reported “he’s gonna have to show me a lot more of something for me to feel that way.” She reported she felt like “he didn’t use pertinent stuff to argue” for her bond. In regards to appropriate courtroom behaviors she reported that “you’re supposed to” control yourself in the courtroom and not interrupt the proceedings. When asked if she thought she could control herself in the courtroom she reported “I don’t know if I could.” She reported “if someone is lying I might say something.” She reported “I feel lost in all of this.” And subsequently stating, “I don’t trust anybody.” She reported that the best thing she can do to help her attorney in her case is “tell him the truth which I’ve done to the best of my ability.” When asked how she would handle a disagreement with her lawyer, Ms. Gookins reported “I don’t know. I really don’t. I will probably shutdown, sit there, and do nothing.”

CLINICAL IMPRESSIONS REGARDING COMPETENCY TO STAND TRIAL:

Ms. Gookins has been diagnosed with Posttraumatic Stress Disorder, Borderline Personality Disorder, Alcohol Use Disorder, Severe, in a Controlled Environment, and Sedative, Hypnotic, or Anxiolytic Use Disorder, Moderate, in a Controlled Environment. Ms. Gookins is receiving psychiatric treatment in jail and verbalized adherence with her medications. These conditions do not currently affect the abilities typically associated with competency to stand trial.

Ms. Gookins demonstrated a factual understanding of the proceedings against her. Specifically, she understood her charges and the meanings of those charges. She was able to describe the various roles and pleas in the courtroom process. Ms. Gookins also demonstrated a rational understanding of the legal system. She demonstrated an understanding of the plea bargain process and rationally discussed several considerations she would take into account when deciding if a plea bargain was in her best interest. She understood the adversarial nature of the prosecutor. While she indicated she was unsure of how she would act in the courtroom, she verbalized understanding that it was against the law and she could be charged with contempt of court if she interrupted the proceedings. Lastly, Ms. Gookins demonstrated the ability to consult with her attorney with a reasonable degree of rational understanding. She was able to use education to correctly answer previously incorrectly answered questions which reflects an ability to be educated by her attorney. Her statements also indicated she has shown an ability to be educated by her attorney as she originally attempted to contact the solicitor but after meeting with her attorney she stated she will no longer do that without her attorney present. While her statements indicate she does not currently have total confidence in her attorney, her opinion is not influenced by any psychotic thought process. She understands how she can best help her

RECEIVED

DEC 12 2016

SC Court of Appeals October 19, 2016

Your Honors,

I am Julie Gordon-Bookins and have been incarcerated here at Hill-Finkler Detention Center since Sept. 04, 2014 and was appointed a public defender almost immediately, my public defender is David Schwacke. From almost the beginning I had issues with him and his representation as have members of my family. He has continually told me of my guilt without really listening to me. He never wants to listen to me really and I was told the doctors who did my psychological evaluation that I didn't have confidence in him nor did I feel he would represent me well. That is in my evaluation report. Also I have written to the public defenders office on 3 separate occasions and requested a new public defender or pro bono attorney, but all three times Mr. Schwacke came back to me and told me he was still my attorney. Your honors even the CO's in here have told me that he will make sure I go to prison for all of my life, he doesn't care about his clients and that is how I've felt the whole time and that he won't really work for me. I have been willing to plea from the start to what I feel I am guilty of but feel Mr. Schwacke won't argue the issue because everytime I ask him to do something he tells me he will but never does. I know and understand that it is late to ask for a new attorney but I've gone through the public defenders office and gotten nowhere so I am appealing to your honors to appoint me a new public defender or pro bono attorney so I can receive fair and just representation. I don't want to put my victims or family or community through the embarrassment or pain of a trial nor do I want

to put the state or community through the cost of a trial
your honor I just want an attorney who will work to get the
charges against me to a fair and just level or acceptable
plea agreement so that I can move forward and have a
chance to serve my time and return home to my family
(siblings, children and grandchildren). When I was arrested
my daughter was 17 had just graduated high school 1 yr.
early so she could go to college and get her life started, but
I hasn't been able to move forward with that because
she has no support (emotional or financial) from her father
and hasn't been able to get past her first 3 months because
she has to work, has no emotional support, and no one she
can turn to because my mother who passed away on April 13,
2014 and I were always the foundation for my children.
Since I've been here her own father put our daughter and
her friend on the line to go to jail by getting the girls to get
suspended boxes for him so he could continue with his
methamphetamine addiction I was the one to tell her from
here how much trouble this could have gotten her in and
she left the area for a short time to get away from her dad
and situation and will no longer do that for him now thanks to
what I was able to tell her before he got her in trouble but
her father didn't care about his child. Your honors I just
want an attorney who will do their best to help me so
that maybe I'll be able to return to my family other than
in a pine box 30 years from now.

I am guilty of some things but not exactly of what
I am charged with and I am willing to accept

responsibility and plea guilty to those things but I feel I need an attorney willing to work for that and Mr. Schwake is not.

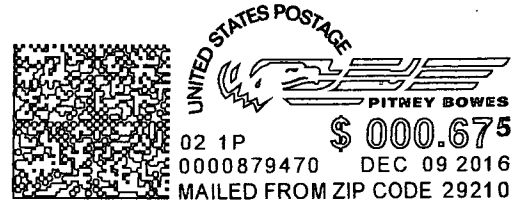
I appeal to the court to please appoint me a different attorney who will work for instead of against me that I may still have some semblance of a life too. I have even written to the solicitor to apologize to my victims and try to appeal to the solicitor myself but I guess that wasn't the right course either as the solicitor even brought that up in court during my last bond reduction hearing. I myself have been a victim of crime while I've been incarcerated but because I show love for people chose to show mercy instead of anger and when I wrote the solicitor I was trying to be heartfelt and honest as I am now.

I thank you for your time and consideration in this matter.

Sincerely,

Julie Gordon-Hookins

Bookings, Julie 370329
CGGI R+E BRE 2134
1450 Broad River Rd.
Columbia SC, 29210



South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

RECEIVED
DEC 12 2016
SC Court of Appeals

Legal TB