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SC Court of Appeals

Re: State vs. Tavaris D. Boyles

Appellate Case No. 2016-002471

Dear Hon. Jenny Abbott Hitchings, Clerk,

I'm asking for a motion of appeal on the behalf of ineffective counseling. I believe that my attorney, Jonathan Harvey, didn't do all that he could ~~do~~ or I asked, to represent my case.

(When I went up for a preliminary hearing for these charges, I asked Mr. Harvey to present my case and lack of evidence to the judge. He didn't want to, and said that if we waived the hearing, he would be able to get a charge dropped (firing into a dwelling), and asked what I would like to do in the matter. I told him that he should present the case, and try his best to get me home to my family. When we went in

front of the judge, I was under the impression that Mr. Harvey was going to do as I asked, but ~~when~~ he waived my right for a preliminary hearing instead

I would also request for Mr. Harvey to take me up in front of a judge for a bond hearing, because I knew that it was within my rights, per 8th amendment, that I should be granted a bond. He would always tell me that he would, but he never did. After two years of being detained at Alvin S.

Gless Detention center, he still failed to take me before a judge for a bond hearing. When I questioned him about it, he finally told me that it was apart of his strategy for me to sit and get some time served, in which he was never going to present me in front of the court for a bond.

Within that time frame, I had only seen him 3 times and we rarely went over my

case. Mr. Harvey would always send his private investigator instead, for whom I didn't feel comfortable discussing my case with.

Mr. Harvey then ~~posed~~ presented a plea offer of 15 years, whereas some of the charges would be dropped, but I didn't want to plead to it if it wasn't a non-violent sentence.

After one more year had passed, in which I was never contacted by Mr. Harvey, nor did we review my case, I was brought to the court and told that the plea was still 15 years violent. Mr. Harvey also brought a different private investigator, that I wasn't familiar with, to court with him. I told him that I still did not want to take the plea for 15 years violent, because if I could get a non-violent sentence, I would still be able to enlist into the military.

Within a few days of meeting with Mr. Harvey, he sent his private investigator, Henry Dukes, to talk to me. I was told that I had to take the offer within two weeks or go to trial. After conversing with Mr. Dukes, I called Mr. Harvey and asked could he get me more time on the matter, in which I was given until the end of the month.

Mr. Dukes came to see me more often, instead of my attorney and kept pushing me to take the plea offer, saying that if I didn't, that I would probably get 25 to 30 years if we went to trial.

I didn't want to accept the plea, but I was constantly being pushed by Mr. Dukes to accept the plea. During our last conversation he told me that they would probably give me life if I

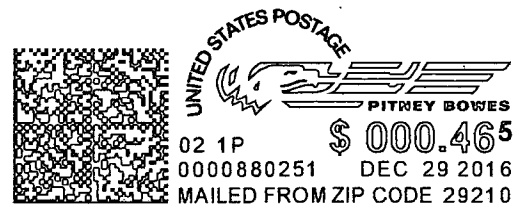
didn't accept the plea.

Within the time that Mr. Duke was coming to see me, I was afraid that if I went to trial, that my attorney wouldn't represent me to the best of his abilities, because Mr. Duke kept pushing me to take the plea, and he was never showing me any signs of encouragement that they would fight my case.

I felt that they had already negotiated a deal. My attorney, Mr. Harvey, never showed any optimism and I rarely seen him to review my case. Nor did he do what I asked regarding a bond or my preliminary hearing, and I felt that I would not have a fair chance of a trial because I was being pushed to accept the plea. Under the North Carolina vs. Allford plea, I'm asking for you to accept this ~~plea~~ appeal for ineffective counseling. Thank you.

Tavaris D. Baylin SCDC # 370674
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