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The state Respondent.
v.
Kerwin Andrean Light

In the court of Appeals

Appellant Case No. 2017-001194

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JUN 13 2017

SC Court of Appeals

In this case the state, 8th Circuit Solicitor's office misled the sentencing Judge Frank Addy that the defendant Kerwin A Light did not honor the Plea agreement conditions that were agreed upon before the 8th Circuit Judge Donald B Hacker on March 14, 2017. There by influencing Judge Frank Addy to give the defendant Kerwin A Light the maximum penalty of Ten years for the criminal offense. On March 14, 2017 The state, 8th Circuit Solicitor's office made a deal with the defendant for his guilty plea. The deal that were agreed upon was that the defendant would plea guilty to the criminal offense for a negotiated sentence of Zero to Three, on the condition that the Plea is to be made before the Circuit Court Judge Donald B Hacker. The ~~sentence~~^{plea} is to be accepted and the sentence is to be deferred to the following Term of General Sessions Court which would be on April 10, 2017. The defendant is to be granted a P.R. Bond and released from custody. The defendant is to return back to court on April 10, 2017 to be sentence.

If the defendant fails to return to court on April 10, 2017, the negotiated plea deal of Zero to Three years would be taken off the table and the defendant would be subject to a sentence of zero to Ten years. On March 14, 2017, an attorney from the Public Defender's office by the name of Elizabeth Able came to the defendant and told me that she would be going with me to stand before Judge Donald B. Hoeker. Ten minutes later the defendant went before Judge Donald B. Hoeker with this attorney that is from the Public Defender's office Elizabeth Able, representing him. There were some other Solicitors other than Yates Brown representing the state. The plea was accepted by Judge Donald B. Hoeker and sentence deferred until April 10, 2017. The defendant were released from custody on March 15, 2017. On April 4, 2017, The defendant were arrested and detained in the Greenwood County Detention Center on an unrelated offense. The defendant were held in the custody of the Greenwood County Detention Center. Bonds were set. The court was notified of defendant's arrest and where abouts on April 6, 2017. On April 10, 2017 The court never had the defendant brought to court from the detention center but sent the defendant

a court date notification letter informing the defendant that his court date has been set for June 5, 2017.

This letter that they (8th Circuit solicitor's office) proves that they knew beyond any doubt that the ~~solicitor's~~ defendant was detain in the Greenwood County detention Center. On May 8, 2017 The defendant were brought to court. Mr Yates Brown of the solicitor's office spoke with the defendant concerning the new charge that the defendant were being accused of. After speaking with the solicitor, a short time later the defendant's attorney Assistant Public defender Jennifer Chinkscale spoke with the defendant and was told that he will be going before Judge Frank Addy to be sentence. The defendant at that time asked his attorney ms Chinkscale could he have time to have his family notified and present with him at the sentencing hearing. The defendant's attorney notified the court of the request and the court granted the defendant one hour only during the court's lunch break to notify his family so he could have them present at the hearing. The defendant was unsuccessful in contacting his family due to the small amount of time that were allowed. The court returned into session and the defendant were taking

before Judge Frank Addy. The Judge was told by the 8th Circuit deputy Solicitor Yates Brown that the defendant were in violation of the plea agreement by not showing up for court on 4-10-2017. And that the court's agreement with the defendant of zero to three years is no longer available to the defendant even though he pled to the negotiated deal of zero to three. At this time the judge asked to hear the incident report of the crime. The 8th Circuit deputy Solicitor, Yates Brown read an incident report that was not the same incident report that the other deputy Solicitor read at the plea hearing before Judge Donald B. Hocker, on 3-14-2017. He then went on to read the incident report of the pending charge that I were being accused of. A case that have nothing to do with the case that I were being sentence on. Judge Frank Addy at that time asked the Solicitor Mr Brown for the bench warrant, Mr Brown didn't reply to the judge because there was not a bench warrant issued because I was already in custody on the court date of April 10, 2017. The fact that the Judge Frank Addy asked the Solicitor for the bench warrant proves that the judge was under the influence by the Solicitor's office that

The defendant did not show up for court on his own free will. The judge was never told that the defendant was not in violation of the plea and was in fact in custody on the court date of April 10, 2017. The sentencing Judge allowed him self to be manipulated by the 8th Circuit Solicitor's office by allowing them to switch up the plea agreement that was made and accepted before Judge Donald B Hocker. By accepting the lie that the solicitor told him about the defendant's whereabouts on April 10, 2017. By allowing the solicitor to read to him incidents reports that had nothing to do with the case, and by making his decision upon hearing them incident reports.

The judge sentence the defendant to the maximum penalty in this case because of his belief that the defendant was in violation of the plea agreement that were made and accepted before Judge Donald B Hocker, when in facts the defendant was not in violation of the plea agreement that was accepted by Judge Hocker on march, 14, 2017. In this case the court/Judge Frank Addy ruled in this matter by giving the defendant the maximum penalty of the offense after the hearing of evidence/incident report of a ~~€~~ separate criminal offense that

The defendant was accused of but have not been found guilty of. This deprived the defendant out of his right to be innocent until found guilty.

1. There was two circuit court judges in this matter.

The plea judge whom accepted the plea on march 14 2017, Judge Donald B Hooper, and the sentence Judge whom sentence the defendant on 5-8-2017, Judge Frank Addy

2. There was two Attorneys from the Public Defender's office, whom went before the court with the defendant

one Assistant Public defender whom went before the plea Judge on march 14, 2017, Mrs Elizabeth Able and another Assistant Public defender whom went before the sentence Judge on may, 8, 2017 Mrs. Jennifer Clinkscales.

3. There was two Solicitor's in this matter, A mystery Solicitor whom name I do not know at this time that represented the state at the plea hearing on march 14, 2017 and another one Deputy Solicitor Yates Brown whom represented the state at the sentence hearing of the defendant on may 8, 2017.

There was three incident reports read before the court in this matter, The original Incident report about

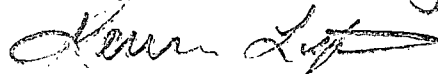
That the defendant plead to before Judge Donald Hocker at the plea hearing on March 14, 2017 that the State's mystery Solicitor read. And there was two more Incident reports that was read at the sentence hearing by Deputy Solicitor Yates Brown before Judge Frank Addy. In which neither of these incidents report had anything to do with this case, but was clearly used to influence the judge in his decision to give the defendant the maximum penalty in this matter.

Incident report of a criminal offense was read before the court that the defendant was accused of but not found guilty of, which also deprived the defendant out of his right of innocent until proving guilty.

All these matters is what happen in this case. This sentence needs to be overturned and the defendant needs to be granted a new trial by the Appeals Court.

Respectfully Submitted
This June 9, 2017.

Kerwin A Light



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