

AFFIDAVIT

The Honorable Jenny Abbott Hitchings

RE: State V. LEON AMOS JASON JAMES

Appellate Case No. 2016-001155

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JUL 20 2017

SC Court of Appeals

Dear Ms. Hitchings

On February 3, 2017, □

Mrs. Susan B. Hackett filed a brief pursuant to
Anders v. California, 386 U.S. 738 (1967) in above
referenced case. I LEON AMOS JASON JAMES Just wrote a
letter to Mrs. Susan B. Hackett her office received
on March 13, 2017. I was not asking for "pro se" I have
no Law school history I just did ^{not} know what was happen
with my case I just wanted State v. Belcher, 685
SE.2d 201 (1989) or Maybe Jeter v. State 308
S.C 230, 232 117 S.E.2d 594, 595 (1992)

(Please read the
Attachment)

AFFIDAVIT

The Honorable Jerry Abbott Mitchings

RE: State V. Le011 Amos Jason James
Appellate Case No. 2016-001155

Dear Ms. Mitchings

I wrote a letter to Mrs. Susan B. Hackett and it was because I did not understand what was going on then she send me a letter saying I ask for "pro se" I just found out what that means I do not know the Law. ALSO I have two L W O P sentences for greater or lesser offenses (both are robbery/s). BANK robbery and Armed Robbery/ and are at the same time. ALSO U.S.C.A violations then

Roger M. Young my sentencing has extended until April 24, 2017
Filed March 15, 2017 RE: Trial Court
Case No 2014GS0500202, 2014GS-0500204 By V. Claire Allen, Deputy CLERK THE South Carolina Court of Appeals. The pro se brief filed By Mrs. Susan B. Hackett on March 13, 2017

AFFIDAVIT

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RE: State V. Leon Amos Jason James
Appellate Case No 2016-001155

I get the letter that was sent to you by Mrs. Susan B. Hackett. The letter notifying me she filed me for pro se and that she could not file anything for P.C.R. She could've just written me a letter saying I she could not do it. Not file me pro se. I did not ask for that. I received all of those letters at once on March 18, 2017 through Inter-Agency Mail. I feel that I'm being just completely push out of the way or taken advantage of to the fact. I do not understand why is it that I'm being processed in this way without knowing. And also knowing that my sixth Amendment along with others have been greatly violated. I don't know what to do at this point



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

March 20, 2017

Leon James, #291860
Lee Correctional Institution
990 Wisacky Hwy
Bishopville, S.C. 29010

Dear Mr. James:

Please find enclosed an order from the South Carolina Court of Appeals granting you an extension of time to file your pro se brief. The brief is due on April 24, 2017. According to the order, it has been sent directly to you. However, I am sending you a copy to ensure that you receive the order in a timely manner.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

Susan B. Hackett
Appellate Defender

SBH/

Enclosure: Order dated March 15, 2017



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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

March 14, 2017

Leon James, #291860
Lee Correctional Institution
990 Wisacky Hwy
Bishopville, S.C. 29010

Dear Mr. James:

I received a letter from you dated February 20, 2017. The letter was stamped received by my office on March 13, 2017. Please accept this letter as my response. I will address each of your concerns in turn.

In the letter, you ask "that the proper paperwork [be] filed for [your] PCR." I **cannot** file your PCR application on your behalf. Also, your PCR application may **not** be filed prior to the conclusion of your direct appeal. If you were to file a PCR application while your direct appeal is pending, the court would likely dismiss the application. My standard practice is to send clients PCR applications and advise clients of their rights to file PCR applications if we are unsuccessful on direct appeal. In other words, if the Court of Appeals affirms your convictions, then I will send you a copy of the Court's opinion, a blank PCR application, and a letter advising you of your right to file the application.

However, if you would like to file your PCR immediately, you may waive your direct appeal. In order to waive your direct appeal, you will need to sign an affidavit, which I can prepare on your behalf. I must advise you, however, that waiving your direct appeal is a **very dangerous** proposition. If you waive your direct appeal, you will **never** get the opportunity to present the issues that were proper for direct appeal. All direct appeal issues will be **forever** waived. Therefore, I caution you to consider the consequences of such a waiver very seriously. If you decide you would like to waive your direct appeal and go into PCR immediately, please write me back advising me of this decision. At that time, I will provide you with a prepared affidavit to which you can make any changes and sign. If you do sign the affidavit, I will file it with the Court of Appeals and move that your direct appeal be dismissed. This is your choice, and only you can make this decision.

You have asked for "a copy of any and everything that is filed." The only documents I filed in the Court of Appeals on your behalf were the Anders brief and the Record on Appeal. You have both of those documents. Therefore, you have copies of "anything and everything" that was filed.

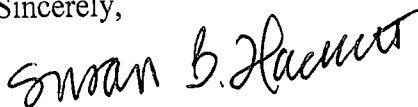
I am a little confused by the rest of your letter. You ask for me to explain "the proper way" to "go about filing things such as" your "issues." If you are referring to the proper way to file a *pro se* brief in your direct appeal, there really is no proper way. You can simply write on a piece of paper what issues you would like for the Court of Appeals to consider and any facts and law that support your position. You can mail that piece of paper (or multiple pieces of paper) to the Court of Appeals. You should have the address as I have provided it to you on the pleadings I filed and the Court of Appeals provided it to you in the letter the Court sent to you. Nevertheless, I will provide it again: The South Carolina Court of Appeals, Post Office Box 11629, Columbia, S.C. 29211.

If, on the other hand, you are referring to the proper way to file your issues concerning a PCR, I cannot assist you with the filing of your PCR. I can provide you with a blank application, which you would need to complete and file with the Clerk of Court in the county where you were convicted.

Finally, you've asked me to request an extension. I am confused by this as well, in light of your indication in the letter that you wanted to file a PCR application. However, I am going to assume that you want to request an extension of time to file your *pro se* brief with the Court of Appeals. As a courtesy to you, I will request an extension of time on your behalf from the Court of Appeals. However, in the future, you will need to make the requests for extensions to the Court of Appeals directly because you are filing a *pro se* brief, which means without the assistance of counsel. Further, I cannot guarantee the Court of Appeals will grant an extension of time.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,



Susan B. Hackett
Appellate Defender

SBH/

The South Carolina Court of Appeals

The State, Respondent,

v.

Leon Amos Jason James, Appellant.

Appellate Case No. 2016-001155

The Honorable Roger M. Young, Sr.

Bamberg County

Trial Court Case No. 2014GS0500202, 2014GS0500204

ORDER

The request for an extension to serve and file the appellant's Anders pro se response is granted and extended until April 24, 2017. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 (www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01), any further extension request must be based on a showing of good cause.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

Leon Amos Jason James, 291860
John Benjamin Aplin, Esquire
Alan McCrory Wilson, Esquire
Susan Barber Hackett, Esquire

FILED

March 15, 2017

Leon A. J. James #291860 F-#1 #1215
#990 Wisacky Hwy

LEE Co
BISHOPVILLE SC 29010

RECEIVED

JUL 20 2017

SC Court of Appeals

SCDC

AUG 6 2017

MAIL ROOM

The Honorable Jimmy Abbott-Kitchings
Clerk, SC Court of Appeals
Post Office Box #11629
COLUMBIA, SC 29211