

**LEGAL
MAIL
ONLY**

I'm filing an appeal Based on
ineffective Assistance of Counsel.

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DEC 05 2017

SC Court of Appeals

1. I was not made aware of other existing pleas.

2. I was threaten by public def Mr. McKenon that
Solicitor would be seeking consecutive sentences
if I didn't sign negotiated plea. Scaring me into
Drug Court Agreement. (Brady vs United States 397 us 742
750, 905, Ct 1463, 1470, 25 LED. 2d 747 757 1970.) Stating
State may encourage guilty plea, but plea cannot be produced by
actual physical or mental coercion overbearing defendants will!

3. Repeatedly ask defense counsel (PD) to ask to withdraw plea, and
file motion to Vacate Judgement and Conviction
due to fact I wasn't awarded time to gather adequate
medical records for drugcourt to prove me defense
or being terminated from Drug Court.

Also lawyer (public defender) was told to ask for sentencing
reconsideration which he didn't

Also I was not made COMPLETELY aware of the effect
of plea agreement. In transcript judge say up to ten years not
neg. guaranteed 10 yrs.

I never signed a sentencing sheet for 10 years, and in court I heard the judge say "Mr. Chandler you do realize if you violate Drug Court you could be sentenced to up to 3 years... Do you understand this Mr. Chandler?" and I said "yes sir." But the only reason I said yes instead of asking for less time over my head was because Mark McKinnon had informed me the judge was "having a bad day" and "not to piss him off" or you "might not get Drug Court." I was literally afraid to speak up plus everything was going so fast. I thought I was only having 7 yrs over my head which was the only offer I received before court. After Drug Court terminated me from the program then Mark McKinnon says "well you didn't have to take it since you knew ^{it} was gonna be hard getting back and forth from Lancaster to York" (Every Day) for 6 months. Drug Court knew my situation was extreme and gonna be very difficult to meet requirements from beginning. Seeing as I lived in Lancaster SC and its 3 hours driving round trip Everyday and I have no drivers licence or car and was dependant upon my Kiger's friends mom for transportation Everyday for 6 months. Then once her & I split up the living arrangement changed and so did my ride I was no longer remotely able to perform as required for drug court.

(No Sentencing sheet!)

* Also the claim of ineffective assistance of counsel exist because I was never made aware of other plea offers prior to accepting drug court with undisclosed 10 yrs over my head. My public defender made me aware he could have gotten me a better deal only after I had violated drug court and was due to be sentenced under the 10 yrs. (He knew I wanted to file motion for fast and speedy trial) and was completely against this from beginning. (If a (decent*) plea existed I should been made know of it and never would have plea to drug court.)

(1) Withdrawal prior to Sentencing Guidelines = I can withdraw from a plea if = the plea did not meet the constitutional standard of knowing, voluntary, and intelligent

* Courts must allow defendant to withdraw guilty plea if the defendant was not adequately informed about the effect of plea agreement.

Randy London

OBSCONDED 6/2/17 / Bench Warr. 6-8-17

wasn't release until 6-2-17 from stroke
and
life support

5/19/17 missed weekend time

was in hospital 5/19/17 and received narcotics but did not fill them (Percocet) ^{also had} Dr. ^{excuse} ^{to} ^{Drug}

③ Pain had subsided and I had already missed ^(given to court) my weekend time so I did go to church and had no intention of preaching as stated by Mrs Lindsay but upon arrival discussed thing with Pastor and was asked to give my sermon since I was there, and did call and left message!

② Mike Jackson didn't know I missed until 5/22 at stated in Term. Rep.

But Mrs Melton Stated I had a drug test that Sunday I missed. How could she have been calling me in that sun for Drug test when as far as they know I was doing my weekend time, I certainly couldn't have been expected to leave the Prison Camp and report, which proves that I wasn't on the recording that morning seeing I did call but wasn't beleived, I never missed a drug test.

③ on 5-22-17 I had a stroke which put me in the ICU at Spring Mem on ventator for (Life support) for 6 days.

When I woke up on 5/28/2017 I ~~had~~ ^{had} lost multiple Bodily functions a motor skills, I didn't speak clearly nor could I walk at all

3 and couldn't remember my age or what year it was and had severe memory loss of months before the stroke.

4 After coming off life support on 5/28 I remained in hospital 5 more days doing physical therapy & learning how to walk again, also speech therapy. ~~This continued until~~

4 This PT Order by Dr. was to be continued at home until August 7th at check up or until better and self reliant. Dr. wrote me out of work and Drug Court and ~~ordered~~ ^{ordered} me to bed rest for three weeks except during PT and no stressful situations as it could prove fatal if another stroke were to occur.

Was under Drug Court supervision by Dr when arrested.

4 (Bench warrant was signed 6-8-17 less that one week after being released from hospital and also while under Dr's Care.

Try to Explain to Judge Alfred minimal circumstances due to not being allowed to fully ~~prove~~ ^{explain} situation. Also in court tell Judge Alfred I would be happy to sign over Medical Rec. to prove I was being honest. Wasn't allowed time to do it.

4 Also during court The Judge asked me if the reason I had a stroke was due to heroin overdose! Suggesting Drug Court Personnel has falsely volunteered that information as being a possibility. It clearly states in Term Rep NARCAN was not effective proving it wasn't a drug overdose as assumed.

Also in sanction report its stated I refused to move to York County to a Men's Shelter. But clearly states an agreement had been made allowing me to stay in Lancaster until 6-30-17 and this was before stroke & hospitalization. Also the

5 Haven Mens Shelter is not a residence as first believed by Drug Court but is a homeless shelter only allowing occupants between 6pm to 8 AM. At which time occupants must leave and walk ride off premises until 6pm that night. Its also located in a known drug neighborhood. Definetly not the environment to be aimlessly walking around in from 8AM to 6pm when transportation wasn't available to look for a job (Also wouldn't had no trans. if in York County)

6 Drug Court know my circumstances and that accepting me was a very long shot. I feel as though I never had a reasonable shot at completion of DC. Due to living in Another County with no self reliable transportation. DC knew the difficulty in me completing DC was extreme and most likely wasn't gonna happen.

Sanction Rep, states I was tardy or missed days "several" times.

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9
— Once on April 24 2017 I called about being late because we had been in a car wreck on the way to hospital due to my girlfriend having a miscarriage, keep in mind now I'm dependant on her mom bringing me to DC, But as expected her mom wanted to be with her at the hospital, at which time I got another ride to come pick me up at hospital and left her there so that I could make it to DC when I should've been with her and been excused period. As long as proof was shown of whereabouts.

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B
Again it is stated about my tardiness and ~~in~~ DC was aware I was dependant on someone else for transportation. It only happend twice and both time were legitamate ~~excuses~~ reasons. Also

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DC States I missed my first Day of release from incarceration from Richland County seeing I had a hold there upon release from Moss, when I was still released until 8:30pm that night.

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A
It states also ~~the~~ DC had no way to verify my Sunday meetings in Lancaster when all my meeting sheet have signatures ³ phone numbers for that purpose also Lancaster is on the sheet of acceptable meetings in the area, Meeting all DC participants are allowed to attend.

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A
Also states that after private meeting and written warning on 5-2-17 Mrs Melton herself admitted I has shown Considerable improvement toward compliance.

I wasn't anywhere close to being aware of what entering DC entailed, or would most definitely would not have taken it, and sure wouldn't take it with 10 yrs over my head. Never would have plead if Mr McKennon had made me aware I was guaranteed to get the full 10 if I didn't complete. I thought it was like intense probation.

* Never signed a sentencing sheet with 10 yrs negotiated sentence on it!

* Mr McKennon only brought the sentencing sheets to be signed after Judge Alfred terminated me.

* You can verify this with Him!!

Also I only forgot to get my handbook once outta the car and unfortunately that vehicle was being use on a two day trip to Ashville for my usual transportation to go to her psychiatry app. That the one and only time other wise dates would be stated as everything else. Drug Court is only trying to make the termination Report sound as bad as possible.

* also on Sanction Report for 5-10-17 it states I was

(17) unemployed the turn right around in Next paragraph and says my employment was verified on 5-3-17 by DC STAFF. Also Note I had job until my hospitalization!

* On 4-17-17 I admitted to Judge Alfred of being positive for pain medication without being prompted to by DC. I did tell the truth about falling through the deck I was building for in-laws and subsequently self medicated which looking back was stupid and irresponsible and for that I fully admit I was wrong and accept responsibility but just for the record that was the one and only drug test I failed.

* Mrs Melton states I admitted I was lying and had planned to use thinking I would get away with it. When actually those were her accusations and word that she demand I agree to before I could leave her office. She was yelling and being extremely hostile, so I just said what she wanted.

* Also immediately following the statement about the failed drug test she admitted I had not failed since.

* Mrs Melton stated that she didn't know what I was doing with my time but admits to me working Monday thru Friday and attending all meetings except the one she approved due to my dressware not being appropriate on a Monday for lack of time to change. I showed check stubs weekly to account for my time and made all seven meetings weekly even though I had to travel 1hr & 30min one way there and back daily. ~~from~~ from Lancaster and worked in Charlotte, all while dependant on someone else.

Name: Randall David Chandler **DOB:** 2/5/83 **Age:** 34
Plea Date: March 2, 2017 (Entered program on 4/3/17 after incarceration in another county)
Charges: Shoplifting Enhanced (2 Counts) **Sentence:** 10 Years

Current Sanction Report:

Randall was detained during a traffic stop in Lancaster, S.C. He was in the company of known drug abusers. He was arrested after the officers discovered there was a York County Bench Warrant for his arrest. The bench warrant was issued after Randall absconded from the Adult Drug Court Program. He was charged with Possession of Drug Paraphernalia after a syringe was found in his shoe at the Lancaster County Detention Center. Incident Report attached. He was booked into the York County Detention Center on 7/13/17. Randall's last contact with the Drug Court Office was 6/2/17 when he left a voice message.

Recommendation:

Randall demonstrated an unprecedented level of unwillingness to cooperate with the staff and the program requirements. He engaged in aggressive and threatening behavior towards staff and counselors prior to absconding from the program on 6/2/17. The Adult Drug Court Team unanimously recommends termination from the Drug Court Program.

Previous Sanction Report 6/5/17:

① On 5/10/17 immediately after appearing before Judge Alford and receiving 4 weekends for noncompliance, Randall aggressively attempted to badger Ann Melton into giving him permission to miss the ordered weekend detention beginning 5/19/17 so that he could preach. He was not given permission. His behavior was so disrespectful he was given his second written warning (warnings attached). Randall consistently exhibits defiant behavior and a recalcitrant attitude in his interactions with staff and counselors.

② Mike Jackson spoke to York County Prison Administrator on 5/22/17 to verify that Randall reported as ordered. Randall did not report for his weekend sanction. He did not attend the compulsory Friday evening peer support group on 5/19/17, the Saturday compulsory CDA meeting on 5/20/17, and failed to show up for the Sunday morning drug test at the Drug Court Office on 5/21/17. Randall did not attempt to contact the office to notify us that he was planning to miss his weekend sanction or to report any reason for missing his other obligations.

③ On Monday, 5/22/17 at 4:16 p.m., Ann Melton received a call from Chrystal Lindsey, stating that Randall had just been admitted to the hospital. She stated that Randall complained of a kidney stone on Friday, 5/19/17. She took him to the emergency department. He was reportedly written out of work. She stated he was given a prescription for pain medication, which he did not take to the pharmacy to have filled. She verified that he knew there was a drug test on Sunday, 5/21/17. She stated Randall told her he called and heard the message about the drug test. Randall ignored the message and did not call with an excuse. I asked her if Randall went to church the morning of 5/21/17, the Sunday he wanted to "preach". She stated he originally called the church and told them he could not, but later he decided he was able to go to church and did give his testimony (just as he planned and instead of reporting for the required drug test)

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Chrystal stated the reason he was taken to the emergency department the afternoon of 5/22/17 was due to her finding him at her house seizing. She contacted 911. Narcan was administered, which had no effect. She did not think it was an overdose. Chrystal did not know what caused the seizure. She stated she searched everywhere for any sign of drugs or paraphernalia and could not find anything. Ann Melton had several conversations with Chrystal over the next 9 days. Chrystal was never informed as to what caused the seizure. Randall was treated for a lung infection after inhaling vomit. Chrystal reported on Thursday evening, 6/1/17, Randall had been moved out of ICU to Room 606 and would be released on Friday, 6/2/17. She did not know where he was going to stay when he was discharged because she and her family were going on a vacation. She thought he might stay with someone named Josh, a preacher. Ann Melton advised her that Randall needed to call Mike Jackson first thing Friday morning to let him know where he would be staying and reminded her that Randall was still missing from the program. Chrystal said she was going to call him immediately and advise him to call... Randall called Mike Jackson at 5:01 p.m. on Friday, 6/2/17, after the office was closed. Randall left a rambling message. He did not state where he was going to be staying but said he would call back on Monday morning "first thing." Randall did not call.

Recommendation:

Randall has demonstrated a remarkable unwillingness to cooperate with the program's rules and requirements, along with aggressively disrespectful and threatening behavior toward staff and counselors. The Adult Drug Court Team unanimously recommends termination from the Drug Court Program. He has proven that we cannot supervise him in the community and that he intends to do exactly what he wants without concern for the rules or requirements of Drug Court.

Employment Record: No record as of 6/5/17

Previous Sanction Report on 5/10/17:

Sanction: 4 weekends in the York County Prison.

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Randall has made minimal progress toward meeting the conditions for his acceptance into the ADC program. A condition of acceptance for all ADC participants is that they must reside in York County. Randall did not meet that requirement. In order for him to be allowed to participate in the program, a temporary plan was developed for him to reside outside of the County in Lancaster County until he could apply for and gain a bed at the Haven Men's shelter in Rock Hill. He no longer wants to stay in a men's shelter. He and his mother guaranteed us that he had a working moped that he could use for transportation once he gained placement in the Men's Shelter in York County. Reportedly, his moped was stolen two weeks before he pled guilty. No one informed the staff that his moped had been stolen. If we had known that information, it would have affected his acceptance into the program. Randall also assured us he had a job waiting for him at a local glass factory. He now states he can't get a job there because he has no transportation. If he were in York County, obtaining transportation to meet his requirements would be much easier. Even though Randall tells us every day how hard he is "trying", we have seen very little measurable evidence that he plans to cooperate with ADC rules and requirements. We cannot supervise him in another county and we have repeatedly talked to him about the necessity to get established in York County. The deadline for a residence in York County is 6/30/17.

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Randall has frequently failed to have his participant handbook with him. He is staying with a family who has been providing his transportation from Lancaster until he can get established in York County. His excuse is usually that he left it in one of the other family members' cars. Randall did have his handbook with him on Wednesday, 5/3/17 and again on Thursday, 5/4/17. If Randall has spent any time reading his handbook, we have not been able to tell by his behavior. Randall has been

6 tardy, missed or has asked to miss sessions, several times, including the first day of his participation. Participation in his groups does not appear to be of any more importance to him than knowing what the rules are or keeping the commitments he made in order to be accepted into the program. Randall consistently makes excuses for his behavior.

7 Gainful employment is a requirement for participation in the program. Randall has inquired about many jobs – all some distance from York County. Randall reported on Monday, 5/1/17 that he had obtained employment and was to begin that day. He brought in a business card on Wednesday, 5/3/17 from Charlotte Carpet Cleaning Services and stated this company was his new employer. Michelle O'Donnell asked about his transportation plans. He replied he had transportation but would not elaborate. Randall signed a release to verify employment on Thursday, 5/4/17. Michelle O'Donnell verified his employment on Friday, 5/5/17.

8 A Randall failed a drug test on Monday, 4/17/17 prior to Court and was positive for buprenorphine (Suboxone or Subutex). He initially denied use, and then tried to excuse his use, stating he self medicated after he hurt himself installing a deck for the family with whom he currently resides. He later admitted that he planned to use and thought he had a window of time to get away with it. He has not tested positive since 4/18/17.

9 On Monday, 4/10/17 Randall arrived to check in and was not in compliance with the dress code. ADC bought Randall a shirt, pair of pants, and a belt so that he would have the clothes he needed for Monday nights. He had not read the handbook or listened to the rules explained to him and assumed jeans would be okay since we were not having Court. On Monday, 4/24/17 at 3:03 p.m. he contacted the Programs Director to state that he had enough time to arrive for check in at 5:15 p.m. – according to the GPS – but he would not have time to go by the residence in Lancaster and pick up his clothes so that he could be in compliance with the dress code. He was not allowed to attend the group. On Wednesday, 4/26/17 he was again late for group. His excuse was that the GPS said it would take 45 minutes to arrive and it took closer to an hour and a half. Randall does not seem to realize that ADC participation needs to be the priority in his life. It has not appeared to be a priority at all. We do not know what he is doing with his time or where Randall is at any given time. Randall does not turn in his required documentation for meetings attendance on time. We have no way to verify the documentation we receive because the meetings he attends are in Lancaster County.

10 Ann Melton and Michelle O'Donnell met with Randall on Wednesday, 4/26/17 to address the need for him to make a genuine effort to establish residence in York County. Randall was hostile, blaming and belligerent. Randall argues with staff frequently. He refused to listen. He was told to leave the office. On 4/27/17, he apologized. On 5/2/17, Ann Melton and Janice Hymes-Moore met with him again about not having his handbook or turning in his documentation, and his general failure to comply. He was given a written warning with a copy of the rules, which had the rules he has consistently disregarded highlighted in yellow. Randall glanced at the warning without reading it through. He was required to read it aloud to ensure that he comprehended what the warning said. Since receiving the written warning on 5/2/17, Randall has shown some movement toward compliance.

Positive Drug Screens: 2 (On 4/17 & 4/18/17 – from the same relapse episode)

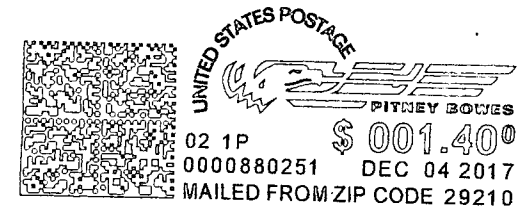
Mrs. Ann Melton Knew all this before accepting me that I was completely Dependant on someone else for everything, Home, transportation, Even food and clothes, And all the way from Lancaster SC To York again 3 hrs round trip everyday. Completely dependant on Someone else. Honestly I truly appreciate Mrs Melton Taking a chance on Me and I'm very grateful. Unfortunately I wasn't aware of such grave circumstances if I failed to meet acceptable requirements or I never would have taken drug court under such extreme circumstance knowing I was so dependant on another human being and not just myself for meeting criteria, if I would've been made aware of the other plan he said I'd received and said I could've gotten, I'd have definitely taken 3 or 4 yrs straight time sentence before accepting Drug Court with a large number over my head. Especially if I'd have been made aware it was guaranteed I'd be receiving the highest sentence possible, I could've took my case to trial and not gotten One day more than 10 yrs. if I lost. ~~that~~, My lawyer plainly was a piece of shit and didn't represent me with my best in mind. He just laid Down and fed me so BS to Rush me and close my file. He Should be dis-barred. ★

MARK MCKENNON

Randall Chandler # 313697

B1-45

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