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SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeals from Spartanburg County  
Honorable J. Derham Cole, Circuit Court Judge

The State

Respondent

VS

Shannon Miles Lancaster

Appellant

Appellate Case No 2017-000908

Memorandum

S/ Shannon Lancaster  
Shannon Lancaster  
Pro-Se Litigant  
Perry Correctional Institution  
430 Oaklawn Road  
Pelzer, SC 29669

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## Tables of Authorities

Case

State vs Hazel, 271 S.E. 2d 602 \_\_\_\_\_ 4

Statutes 44-53-375 Code of Laws of South Carolina

## Statement of Issue on Appeal

Whether the court erred in denying appellants post-trial motion to withdraw his guilty plea within the 10 day period and when his original plead was coercive?

## Statement of the Case

Prior to guilty plea by the Appellant, Attorney Ricky Keith Harris brought the Appellant into open court with Judge Derham Cole, and solicitor James Edwards Hunter to use extortion, intimidation and other scare tactics to coerce the appellant into a plea, and this was the same day the Appellant was added to the trial docket in open court. Not a scheduled hearing for court.

On March 14, 2017, Appellant appeared before the Honorable J. Derham Cole in Spartanburg County and plead guilty to trafficking in Methamphetamine, second offense. Plea counsel was Ricky Keith Harris, Esq. The assistant solicitor was James Edward Hunter, Esq. Judge Cole sentenced appellant to 15 years imprisonment.

Appellant filed a pro se motion for reconsideration concerning his sentence dated March 23, 2017. Judge Cole denied motion on March 27, 2017.

Appellant merely being a layman of law did not know the language to request the withdrawal of his guilty plea.

I was appointed Robert M. Pachak on direct appeal who filed a Anders Brief on behalf of Appellant.

Thus this memorandum of law follows:

## Argument

Trial court intentionally denied appellants post-trial motion to withdraw his guilty plea due to a conflict of interest.

In this matter, Indictment # 2016-CS-4205068, appellant originally plead not guilty. On November 02, 2016, appellant was taken to an unscheduled hearing in front of Judge Derham Cole by attorney, Ricky Keith Harris (esq). The assistant solicitor in this case, Mr. Edward James Hunter (esq), was also present.

In open court my attorney, Mr. Harris, advised both the prosecutor and Judge that, I was turning the plead bargain down.

To which, Judge Cole retorted, "When his trial comes around, be sure to make him the judge for trial."

At which time I was placed on the trial docket.

Then, on the day of court, my attorney intentionally picked a fight with me. He screamed and stomped around, telling me if I did not take the plead, I could rest assured, I would get 30 years.

Therefore, I felt that between these threats, and my attorney abandoning me moments before the trial, showing his true colors, that my only choice was to take the plead.

Thus, I took the plead, and even though I am merely a layman of law, I tried to articulate my request to withdraw my guilty plead as best I could within the ten (10) day period. Because, I felt that maybe if I went back in front of Judge Cole and explained what had happened, as well as how things had appeared to me at the time that, he would give me an opportunity to have a fair trial.

However, Judge Cole refused to allow me to withdraw my guilty plead so I went on into the direct appeal process.

Futhermore, since I acted within the ten(10) day time period to request the withdrawl, I feel that, I am right to request, and receive that withdrawl, as is evident by case, State vs Hazel, 271 S.E. 2d 662, and Equal protection of law.

## Conclusion

It ought to be that my guilty plead is withdrawn, and, I be afforded an opportunity to have a fair trial and my voice heard in this matter.

Shannon Lancaster

Shannon Lancaster # 341546

Pro-Se

(5)

To: Clerk of Court

Re: Sending a Pro-Se brief within the 45 day time period to Court of Appeals.

Sincerely,

Shannon Lancaster

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SC Court of Appeals

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South Carolina Court of Appeals  
Jenny Abbott Kitchens, Clerk  
Columbia, SC 29211

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