GERALD E. CALDWELL #303519
KIRKLAND CORRECTIONAL INSTITUTION
R+E F3-262
4344 BROADRIVER ROAD
COLUMBIA S.C. 29210

JULY, 09, 2018

THE SOUTH CAROLINA COURT OF APPEALS
ATTN: V. CLAIRE ALLEN DEPUTY CLERK
P.O. BOX 11692
COLUMBIA S.C. 29211

RECEIVED
JUL 11 2018
SC Court of Appeals

RE: STATE V. GERALD EDWARD CALDWELL
APPEALATE CASE NO. 2018-001191

MA'AM,

IN RESPONSE TO THE LETTER FROM YOUR OFFICE THAT WAS DATED JUNE 28, 2018, ADDRESSED TO MY PUBLIC DEFENDER: JULIE ROCHESTER ESQUIRE
366 N. CHURCH ST. SUITE 3000
SPARTANBURG S.C. 29303

IN WHICH MS. ROCHESTER FORWARDED TO ME AT ADDRESS ON HEAD OF THIS LETTER, ALONG WITH HER LETTER DATED JULY, 03, 2018 INFORMING MYSELF THAT I HAVE 20 DAYS FROM HER LETTER HEAD TO RESPOND TO THE APPEALATE COURT (JULY 23, 2018) MY ARGUABLE BASIS FOR THE APPEAL.

I'M CURRENTLY AT THE RECIEVING AND EVALUATION PART AT KIRKLAND CORRECTIONAL OF SOUTH C. CAROLINA DEPT OF CORRECTIONS (SCDC) AND HAVE BEEN SINCE JUNE 14, 2018. THE ASAID LETTER ARRIVED JULY 5, 2018 AT KIRKLAND AND I RECIEVED IT PHYSICALLY ON JULY 06, 2018 AT APPROX. 9:30 AM. ON THAT FRIDAY. IT WILL BE MONDAY JULY 09, 2018 BEFOR A REQUEST OF STAFF CAN BE SENT TO THE LAW LIBRARY AT THIS FACILITY TO GET PERMISSION (ORDER TO REPORT) TO COME. THEN NOT KNOWING HOW QUICKLY THEY RESPOND IS A DELAY IN ITS SELF. AGAIN I'M NOT ON A REGULAR YARD AND WITH THE PROCESS SO FAR AS OF THIS DATE I ONLY HAVE 14 DAYS AND LESS.!

THE FOLLOWING ARE ISSUES I'M APPEALING:

1) INSUFFICIENT OF COUNCIL MS JULIE ROCHESTER, FOR
   A: COERCING MYSELF TO TAKE PLEA
   B: DID OBTAIN INFORMATION UPON REQUEST
      1) VIDEO RECORDS
      2) CHAIN OF CUSTODY OF EVIDENCE AND POLICY OF SPARTANBURG COUNTY SHERIFFS OFFICE.
      3) DID NOT OBJECT TO SOLICITOR ENHANCING PLEA DOCUMENT FROM SERIOUS TO MOST SERIOUS AFTER SIGNED BY SOLICITOR, DEFENDANT, AND DEFENSE COUNCIL.
      4) COUNCIL FOR DEFENSE DID NOT TRY TO ARGUE THAT SINCE ONE INDICTMENT INVOLVING A WEAPON THE 3 OTHER INDICTMENTS WERE TO BE LESSENED.
      5) PRESENTING TO JUDGE EVIDENCE DISMISSED AND THAT THE STATEMENTS OF 2 LAW ENFORCEMENT OFFICERS AND VICTIMS AFFIDAVID HAVE NUMEROUS INCONSISTENCIES.
      6) DEFENSE COUNCIL DID NOT PUT UP A STRONG ENOUGH DEFENSE TO BRING IN THAT DEFENDANT WAS A DRUG ADDICT,

2) THE JUDGES VERDICT OF SENTENCE DOES NOT COINCIDE WITH CHARGES THAT SHOULD HAVE BE REDUCED AND OR DISMISSED.
   1) DEFENDANT BELIEVES THAT AFTER ASKING FOR HELP THE COURT SHOULD HAVE GAVE DRUG TREATMENT TO REHABILITATE AND OR PROBATION - NOT PRISON FOR PUNISHMENT.

3) AS STATED IN ALL STATEMENTS NOTHING WAS TAKEN, NO ONE WAS INJURED, AND WITHOUT FIRE ARM. NONE COULD HAVE BEEN COMMITTED LET ALONE KIDNAPPING.

These Are Issues In Which I Am Addressing. I Do Believe If Most If Not All Would Have Been Clearly Presented At Time I Believe A Lesser Sentence Would Have Be Given And Or A Drug Abuse Program Instated With Probation.

Instead I Was Sentenced To 25 years No Parole And ATV. At The Last 6 Months Of Time. With The 3 Charges Sentenced Concurrent I Was Given Almost To Max On Each.

A. Warrant No. 2017A4210103031 SC. Code 16-11-0311 CDR Code 0071 Class: Fel/Exm (V)
Indictment No. 2017 GS 4206078 Burglary/Burglary (After June 20, 1985) First Degree (15 to Life)
States Under South Carolina Code 16-11-311 (1976):
Without Consent And With The Intent To Commit A Crime There In, And That Defendant Did Enter The Dwelling Either:
(1) The Defendant Did Enter In The Night time And/or (2) Armed With A Deadly Weapon And/or (3) Cause Physical Insury To Any Person Who Is Not A Participant In The Crime, And/or (4) Uses Or Threatens The Use Of A Dangerous Instrument; And/or (5) Displays What Is Or Appears To Be A Knife Pistol, Revolver, Rifle, Shot Gun, Machine Gun, Or Other Fire-Arms.

B. Warrant No. 2017A4210103034 SC Code 16-11-0330(B) CDR Code 0026 Class: Fel/C
Indictment No. 2017GS4206080 Robbery/Attempted Armed Robbery, or Allegedly Armed Robbery (0-20yrs)
§16-11-330(b)
Defendant Attempt To Take U.S. Currency From Victim While Armed With A Pistol, A Deadly Weapon

C. Warrant No 2017A4210103033 SC Code § 16-03-0910 CDR Code: 0095 Class: Fel-A
Indictment No. 2017GS4206079 Kidnapping/Kidnapping (0-30 years)
§ 16-03-910
Defendant Unlawfully Seize, Confine, Inveigle, Decoy, Kidnap, Abduct And/or Carry Away The Victim, Forcing The Victim Into His Residence At Gun Point, Without Authority Of Law,

For Indictment (A) 2017GS4206078 First Degree Burglary (15 to Life) I Recieved 25yrs Concurrent
Indictment (B) 2017GS4206080 Attempted Armed Robbery (0-20yrs) I Recieved 20 Concurrent.
Indictment (C) 2017GS4206079 Kidnapping (0-30years) I Recieved 25 Concurrent.

Since Indictment No 2017GS4206081 Possession Of Fire Arm Or Knife During Commission Of Or Attempt To Commit A Violent Crime §16-23-490 CDR Code 549 Class Fel/F:
Defendant Did Visibly Display A Firearm And/or Knife During The Commission Or Attempted Comission Of A Violent Crime.
This Indictment Was Dropped - Since This Is And Was A Key Element In Other Three To Be Committed The Other Charges Is And Was To Be Lessened.

Pending Transcript To Add Anything That Could Help My Case.

These Are Issues In Which Needs And Will Be Addressed, But To The Inconvenience Of Situation I Feel I Will Not Be Able To Address These Issues To The Full Allegable Satisfaction To The Court Appeals In The Alotted Time I Have Currently Be Given. Therefore I Respectfully Request For An Extension Of Expiration Time In This Matter, That I Can Fairly Be Able To Reply To Your Satisfaction.

Thank You For Your Time And Cooperation And Consideration.

Sincerely Yours

Gerald Caldwell

GERALD E. CALDWELL
303519
F3-262

Mailroom
Kirkland Correctional Institution
4344 Broad River Road
Columbia, S.C. 29210

RECEIVED
LEGAL
MAIL
ONLY
JUL 10 2018
KIRKLAND R&E CENTER
MAILROOM

Christmas Market

RECEIVED
JUL 11 2018
SC Court of Appeals

COLUMBIA SC 290
10 JUL 2018 PM 3 L

FOREVER
USA

THE SOUTH CAROLINA COURT OF APPEALS
ATTN: V. CLAIRE ALLEN DEPUTY CLERK
P.O. BOX 11692
COLUMBIA S.C. 29211

29211-169292