

NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY  
COURT OF GENERAL SESSIONS

**RECEIVED**

SEP 06 2018

THE STATE OF SOUTH CAROLINA  
RICHLAND COUNTY

SC Court of Appeals

State of South Carolina  
Plaintiff

v.

Perez Antwon Brooks  
Defendant

) SOUTH CAROLINA COURT OF APPEALS  
) CLERK OF COURT  
)  
) Lower court case No. 2014GS4003853; 2016GS4000587  
) Appellant Case No. 2017-001295  
)  
)  
)  
)

Notice is hereby given that Perez Antwon Brooks in the above-captioned case, hereby appeal to the United States Court of Appeals for Order/Judgment of The Honorable R. Knox McMahon entered in this action on the 25th day of May, 2017.

Perez A. Brooks

\_\_\_\_\_  
(Defendant)

Perez A. Brooks SCDC# 372744  
Broad River Correctional Institute  
MU-0139-B  
4460 Broad River Road  
Columbia, SC 29210

\_\_\_\_\_  
(Address)

Enclosure

**Copy of Case Transcript**  
**Copy of Dept VA Letter for Incompetency**



P R O C E E D I N G S

1  
2 PEREZ BROOKS, after being duly sworn,  
3 testified as follows:

4 THE COURT: Did I qualify this plea?

5 MR. GOLSON: Your Honor, this was a --

6 THE COURT: I asked for presentencing investigation?

7 MR. GOLSON: Correct. It was requested and that was  
8 returned at some point in the recent past. On January  
9 25th, he pled no contest to the two charges.

10 THE COURT: So the plea was properly qualified?

11 MR. GOLSON: Yes, sir.

12 THE COURT: What date did I qualify?

13 MR. GOLSON: The 25th of January.

14 THE COURT: Is that correct, Mr. Lloyd, I had already  
15 qualified Mr. Brooks' plea?

16 MR. LLOYD: Yes, sir, that's correct.

17 THE COURT: And I asked for presentence report?

18 MR. LLOYD: That's correct.

19 THE COURT: And I have reviewed that report and it  
20 was provided to me by Probation Parole and Pardon  
21 Services.

22 Tell me -- I recall the event on I-20, I recall  
23 hitting the van, the gentleman's brother being killed, but  
24 refresh my memory as far as the facts of the case are  
25 concerned, Solicitor.

1           The force of that impact completely severed Lamont's  
2 aorta, caused severe blunt force trauma to his head,  
3 basically, his entire body. Too many compound fractures  
4 to count. His death was virtually instantaneous.

5           After the collision, the Defendant's car continued to  
6 travel several hundred feet down the road, came to rest on  
7 the left-hand side of the road in the number one lane.  
8 The Defendant, according to witnesses, got out of his  
9 vehicle, pushed it across the road to the right-hand side,  
10 the right-hand shoulder, and then laid down on the ground  
11 and waited until emergency vehicles arrived, EMS, fire,  
12 highway patrol.

13           He was taken by emergency services to Richland for  
14 treatment. There, highway patrolman noticed that he  
15 appeared to be under the influence of some sort of  
16 substances. Trooper Leaderhouse from the highway patrol  
17 was there present at the -- in the emergency room with the  
18 Defendant, noticed that his speech and his affect were not  
19 normal. He was given his implied consent rights. He did  
20 consent to a blood draw.

21           The toxicology reports came back positive showing  
22 that at the time of the collision, he was impaired by  
23 marijuana. Xanax was also present in his blood stream  
24 along with antidepressants, antianxiety medication,  
25 Zoloft, to be specific.

1 Defense counsel. And with the Court's permission, I would  
2 like to hand up a select number of those photos for your  
3 review.

4 THE COURT: Yes, sir.

5 MR. GOLSON: It's two sets of photographs, Judge, one  
6 of the collision itself and the other set is of the  
7 Defendant's vehicle. If it's okay, I'm going to talk  
8 about some of those photographs, Your Honor.

9 One thing that the highway patrol found that was very  
10 notable as far as the Defendant's vehicle was that in the  
11 glove box, there were several packages of cigars that are  
12 commonly used to smoke marijuana. There was a loaded  
13 revolver. There was marijuana found in the floorboard.  
14 There was marijuana and a grinder that was later found in  
15 the Defendant's pocket. Also, in the right rear seat of  
16 the vehicle, law enforcement found a large trash bag full  
17 of several pill bottles, various medications that were  
18 prescribed to the Defendant during the course of his  
19 treatment at the Veteran's Hospital, both in Alabama, as  
20 well as here in South Carolina.

21 Most notably, a physician pointed out during the  
22 course of his examinations at the hospital was that there  
23 was a prescription for Xanax that had been filled three to  
24 four days prior to the collision. There was 20 tablets  
25 prescribed and there were only three or four tablets

1 would have been entitled at the time of this collision or  
2 subsequent to the collision to ever -- well, he could  
3 apply for it, but he would never have received a South  
4 Carolina driver's license because it would have been  
5 reciprocally suspended based upon his outstanding  
6 suspension for the various driving offenses in Alabama.

7 That's especially important in this case, Your Honor,  
8 because the State believes it goes to the gravity of the  
9 offense, as well as the Defendant's state of mind,  
10 particularly because one would expect -- one would expect  
11 someone who just killed another civilian in a collision to  
12 take that matter very seriously. However, the State later  
13 found out that he again drove, at least, several times, a  
14 few of which we can actually document.

15 We learned that subject to this collision where  
16 Lamont was killed, the Defendant was rearrested in Sumter  
17 County on November 25th of 2014. That's roughly six  
18 months after he killed Lamont. He was charged with  
19 improper backing. He actually was convicted of that one  
20 and was also charged with driving without a license. I  
21 believe that one was dismissed.

22 About nine months after that -- after the initial  
23 incident, rather, in February of 2015, he was again caught  
24 driving and, again, he was driving the same vehicle he was  
25 driving when he killed Lamont, the vehicle that was

1 offenses as evidence of his bad character.

2 And one final thing, Your Honor, amongst others, at  
3 the time of his bond hearing -- and I have a certified  
4 transcript of that bond hearing, if necessary -- he was  
5 being asked some questions to get screened for a public  
6 defender. I had the benefit of being present for that  
7 bond hearing and, as such, requested the bond hearing  
8 transcript and recording.

9 When he was asked about whether or not he had any  
10 possessions, money in the bank, that sort of thing, he  
11 said that he did not own a car. He said he did not own a  
12 car because the VA had told him that he should not be  
13 driving. He should not be driving because he had had a  
14 seizure.

15 We were intrigued -- the State was intrigued by that  
16 fact as to why a man with no driver's license, who, at  
17 least, by his words having had a seizure at some point in  
18 the past would be driving on the highway at a high rate of  
19 speed under the influence of marijuana and narcotics and,  
20 ultimately, killed a man. So we spent over a year and a  
21 half, almost upwards of two years, Joe Leventis and I,  
22 along with John Steadman from our office, investigating  
23 his medical records, his medical history and that sort of  
24 thing.

25 We went back -- this was a very arduous process, why,

1 Tuscaloosa, he reported to the VA that he had been injured  
2 when a cement truck had hit him and he had lost the use of  
3 his lower extremities as a result of being hit by a cement  
4 truck.

5 Then he went on, that story changed a little bit. He  
6 later reported to physicians that he had suffered brain  
7 injuries when he had been hit by exploding shrapnel and as  
8 a result, he's been experiencing seizures. Then as a  
9 result of that, he was also seeking to be prescribed Xanax  
10 to counter the effects of that seizure activity.

11 The story changed yet again when he claimed to have  
12 had brain injuries that were sustained as a result of  
13 being shot by a sniper in the head, but he was saved by  
14 the Kevlar helmet he was wearing at the time. So we go  
15 from a cement truck to exploding shrapnel to a sniper, all  
16 of this time during which he is seeking to get medications  
17 from the VA, specifically Xanax, to treat these injuries.

18 After he was charged with the death -- of causing the  
19 death of Lamont Hampton, physicians here at the Dorn VA  
20 Medical Center in Columbia noted that he was exhibiting  
21 extremely aggressive drug-seeking behavior. Dr. Enoch  
22 Gray consulted with him briefly before he had to terminate  
23 the physician/patient relationship based off of his  
24 behavior. We consulted and met with him and examined  
25 medical records and ascertained that, via Dr. Gray, in his

1 trial was Dr. Swamy Venkatesh. He is a professor of  
2 neurology at the University of South Carolina School of  
3 Medium and also works for the Department of Veteran's  
4 Affairs as a neurologist. And we were able to speak with  
5 him to learn some more information about these seizures --  
6 or purported or alleged seizures the Defendant claimed to  
7 have had or be having.

8 What we learned through the literature and the  
9 discussions with these physician is that the doctors said  
10 he had what they call pseudoseizures. And that's the  
11 polite medical terminology for what we as prosecutors call  
12 fake seizures. It is more so a psychological matter.  
13 There would be temper tantrums associated with not getting  
14 the medicines he wanted, other behavior associated with  
15 not getting the things he wanted.

16 The way it's classified by these neurologists is that  
17 he has certain motivations, which they consider to be  
18 primary gains and secondary gains.

19 Primary gains from having a pseudoseizure or a fake  
20 seizure would be to get attention, whether it would be  
21 getting attention from family, getting attention from  
22 medical staff, nurses or doctors. Secondary gain would be  
23 getting medications, medications such as Xanax,  
24 medications of any variety of sort, any sort of material  
25 of that nature.

1 enforcement that he had not been sleeping, that he had  
2 been smoking marijuana, we found Xanax, although it was  
3 prescribed to him, that was also in his bloodstream at the  
4 time, there is no -- what appears to our investigation no  
5 viable evidence of him having a seizure disorder or any  
6 injuries that would lend themselves towards creating an  
7 actual seizure disorder and that he has, by all accounts,  
8 voluntary seizures and manifestations that mimic seizure  
9 activity, in conjunction with all of his subsequent  
10 offenses, the State respectfully would request that the  
11 Court sentence Mr. Brooks to the maximum of 10 years on  
12 the reckless homicide charge, and we would request that  
13 you sentence that concurrent to a maximum sentence of 25  
14 years on the felony DUI resulting in death charge.

15 Now, granted, his prior record from Alabama involves  
16 two weapon convictions. And as far as we know, that is  
17 the extent of his prior criminal activity that's been  
18 documented by law enforcement. But, again, I would point  
19 the Court to the fact that after he killed Lamont Hampton,  
20 he, again, drove. He drove again, all of which time he  
21 knew that -- let's say in the farthest reaches of  
22 possibility, there's any slim remote chance that he did  
23 have an actual seizure disorder, he killed a man and got  
24 in the car again and again and again and drove. He's put  
25 the people of Richland County and Sumter County at risk

1 this case with Mr. Golson, Mr. Leventis was of the most  
2 professional manner in which the State could handle the  
3 case. I don't want the Court to take anything that I say  
4 as disparaging that. I do want to say, though, we take  
5 very strong exception to certain representations that they  
6 made regarding Mr. Brooks that I'll briefly go into, Your  
7 Honor.

8 I know Your Honor started to hear this case and heard  
9 some pretrial matters outside the presence of the jury and  
10 some matters regarding the facts in front of the jury. I  
11 just want to give our version of those facts and then  
12 address some things that Mr. Golson said.

13 Your Honor, at the time this accident happened, I  
14 believe you will recall, Mr. Brooks had moved from Alabama  
15 a few short months before this accident happened to be  
16 with his fiance at the time and his children in Sumter.  
17 They were planning on getting married.

18 Upon leaving Birmingham, Alabama, and moving to  
19 Sumter, Mr. Brooks attempted to visit the VA here in South  
20 Carolina to have an examination and treatment and to  
21 continue the treatment that Birmingham was providing him  
22 at the time.

23 When he got here to South Carolina, Your Honor, South  
24 Carolina told him and told his fiancee at the time that we  
25 can't prescribe your medication for you without records

1           The morning of this incident, Your Honor, and  
2 Mr. Brooks has maintained this throughout my  
3 representation, he did not smoke anything that morning,  
4 Your Honor. He admitted he did smoke some marijuana with  
5 some friends the night before.

6           His fiancée was prepared to testify before Your Honor  
7 that she was with him as he got up that morning to get  
8 ready. She saw him get up, get dressed, did not see him  
9 smoke any marijuana. She did see him take his prescribed  
10 medication that he still did have a prescription for. She  
11 saw him pack his clothes. She saw him put some medication  
12 in a bottle to take with him for his trip. She then  
13 follows him, prior to her going to work, to a gas station.  
14 He gasses up, gets on the road. She heads off to work.

15           From Sumter until this accident happens in Richland  
16 County on I-20, I believe is somewhere around almost 45  
17 minutes to an hour from the time he had left. Leaving, as  
18 he was prepared to testify, Your Honor, by way of 521 and  
19 getting off onto I-20. No reports of erratic driving or  
20 behavior by anybody to law enforcement prior to him  
21 getting there to the scene of this accident. And that's  
22 what Mr. Brooks remembered until he woke up in the  
23 hospital.

24           Your Honor, there was representations by the State as  
25 to things that Mr. Brooks said. One, being at the

1 beyond what normal misuse of marijuana would be as part of  
2 dealing with physical pain and anxiety.

3 The State's contention that he would have been under  
4 the influence of marijuana that morning would have had to  
5 ignore his fiancée's testimony, Mr. Brooks' testimony and  
6 the officers and nurses who were there that day.

7 He has never hidden the fact that he uses marijuana.  
8 That's not something he's proud of. I believe that's also  
9 addressed in the PSR that Your Honor ordered, but there's  
10 no indication Mr. Brooks had smoked marijuana that  
11 morning, other than the metabolites in his blood. His  
12 fiancée testified as to the amount of the pills, the Xanax  
13 that he took that morning, which is what was prescribed.

14 Your Honor, the State also makes a claim about  
15 Mr. Brooks believes he had a seizure and then makes some  
16 very disparaging comments about that. Mr. Brooks cannot  
17 tell you, Your Honor, that there was a seizure or whether  
18 there was a reaction to the medication or there was a  
19 reaction that he had to the lack of medication because as  
20 Your Honor remembers, at the time, he was off of much of  
21 the medication that the VA had prescribed for a number of  
22 years.

23 One of things we were obviously going to get into as  
24 the case continued with any doctor from the VA was this  
25 issue of his seizures, what they call paraseizures or

1 during the trial. The VA yo-yoed him up and down on  
2 dosages of antiseizure medicine. They switched the types  
3 of antiseizure medicine. They lowered the dosages. They  
4 raised the dosages over the course of years.

5 Mr. Brooks wasn't coming in telling them that. He  
6 wasn't telling them this is what I have and this is what  
7 you need to do to treat me. This is what the VA -- after  
8 Mr. Brooks gets released from the Richland County  
9 Detention Center after this accident, he immediately goes  
10 back to the VA, explains to them what happened, says I was  
11 in an accident. This is what happened. I've got this  
12 case pending. One of the first things they do, Your  
13 Honor, is put him back on the same antiseizure medicine  
14 and raise the dosage again.

15 The notion that Mr. Brooks is somehow running around  
16 out here faking seizures, it's -- I'm a little bit  
17 bothered by that. I don't know any stronger language than  
18 that, Your Honor. I witnessed him have that seizure down  
19 in the holding cells in this very courtroom when he was  
20 brought over for a hearing on a bond motion. He had it  
21 downstairs. The deputies responded to him. I went down  
22 there. They called an ambulance. They take him to  
23 Richland Memorial Hospital. Richland Memorial Hospital  
24 gives him antiseizure medicine.

25 Mr. Brooks had several seizures while he was at Alvin

1 PTSD and seizures, that everybody is going to show up  
2 before Your Honor and say well, this is all fake. We  
3 don't know anything about that stuff. They're the ones  
4 who were doping him up the entire time.

5 Your Honor, Mr. Brooks just pulled me aside just a  
6 second ago to take real exception to some of this, that he  
7 was showing up at the VA asking for Xanax. He said I  
8 never showed up anywhere asking for it. I was asking them  
9 for my medication. They're the ones that told me to take  
10 it.

11 Your Honor remembers when he -- after he pled, we  
12 were asking -- and the whole issue with the jail taking  
13 medications that the VA had prescribed and keeping him on  
14 that, I want to get to something in just little bit, Your  
15 Honor, because I appreciate the Court's order on getting  
16 Alvin S. Glenn, having a doctor to see Mr. Brooks.

17 If Your Honor remembers at the end of the case when  
18 he pled, one of the things they had him on, the VA, the  
19 same people that Mr. Golson said were going to show up  
20 here and say we don't know anything about this. He's just  
21 showing up asking us for pills and he's a drug addict and,  
22 you know, this is all Mr. Brooks. He's on four times a  
23 day Xanax, four times a day, that's the folks who were  
24 going to show up.

25 I believe Mr. Golson said as a precaution to cover

1 had been derived of that for months, he shouldn't have  
2 been driving, we acknowledge that. We've always  
3 acknowledged that.

4 Your Honor, one of the medications, the very high  
5 dosage they had him on, the Gabapentin, the FDA says if  
6 you've been giving somebody that, do not just cold turkey  
7 quit giving it to him. One of the things it can actually  
8 cause, whether the person was having seizures before or  
9 not, is seizures. That's what we've always thought this  
10 case was about.

11 He made a mistake that morning, Your Honor. A very  
12 tragic mistake, a costly mistake, not just for himself,  
13 but, obviously, Mr. Hampton's family and Mr. Hampton. The  
14 notion that this was a DUI case, Your Honor, in the  
15 traditional sense of somebody has either ingested drugs or  
16 ingested alcohol purposely and then took to the road, we  
17 never said that, never.

18 Your Honor, there was some issue -- and I think Your  
19 Honor heard this before about Mr. Brooks' character and  
20 that he continued to drive and then was rearrested in  
21 Sumter. We did deal with that in a bond revocation  
22 hearing, I believe after the second driving arrest. And,  
23 coincidentally, Your Honor, he was not using marijuana in  
24 either of those cases or he was caught with marijuana in  
25 either of those cases, but he had to get to the VA. There

1           Our contention has never been that Mr. Brooks has  
2 ignored his responsibilities in this, discounted the  
3 tragedy of this. He has always said I didn't smoke  
4 marijuana that morning. I didn't take anything other than  
5 what I was prescribed and got on the road. Without  
6 question, had he not driven that morning, none of us would  
7 be here and Mr. Hampton would still be here today. For  
8 that, he knows it's got to be answered, but what this case  
9 has not been and has never been is what the State has  
10 portrayed it as, that's what we've always taken exception  
11 to.

12           Your Honor, before -- and I know Mr. Brooks wants to  
13 address the Court, I would ask that you hear from his  
14 family prior to me coming back to address the State's  
15 recommendation and our recommendation, Your Honor, on  
16 sentencing.

17           If Your Honor would also please, it's basically a  
18 one-page letter that Mr. Brooks had written for Your Honor  
19 to read in addition to what he wanted to say if I can hand  
20 that up. I'll let the State take a look at it.

21           THE COURT: I'll hear from anyone you want me to hear  
22 from.

23           Yes, ma'am, tell me your name, please.

24           UNIDENTIFIED WOMAN: My name Rosalyn Brooks.

25           THE COURT: I'll be happy to hear from you.

1 hurt anybody. He is one of the -- he just has a great  
2 heart, Your Honor, he really does, and he doesn't mean  
3 harm to anyone. He doesn't. Thank you, Your Honor.

4 THE COURT: Thank you. Thank you.

5 MR. LLOYD: This is Mr. Brooks' mother.

6 THE COURT: All right. Yes, sir.

7 Tell me your name, please.

8 THE MOTHER: Valerie Page. I'm his mom. First of  
9 all, I would like to tell you Mr. Hampton that I offer  
10 condolences towards you and your family. I know this is a  
11 tragic thing that happened, but I know in my heart that my  
12 son, he didn't mean to. He didn't mean to, and I'm so  
13 sorry.

14 Your Honor, I'm not just saying this because he is my  
15 son, when I know how all is looking, but my son has  
16 dealt -- my family has dealt with so much that has messed  
17 with me emotionally and mentally, and I know my son is  
18 sorry. I know my son is sorry.

19 But again, we would like to offer condolences to your  
20 family.

21 MR. LLOYD: Thank you, Your Honor.

22 THE COURT: Yes, sir.

23 MR. Lloyd: Your Honor, if I might hand this up.

24 THE COURT: Of course.

25 (Pause.)

1 center, but then responsive and helpful on Your Honor's  
2 order to work to get Mr. Brooks a physician visit sooner  
3 rather than later. And I believe they managed to do that  
4 in a day, Your Honor.

5 I've been out to see him there at the detention  
6 center. I can tell you, Your Honor, he looks vastly  
7 different than from before. He has continued to see the  
8 doctor that Your Honor ordered to come out to see  
9 Mr. Brooks. Ironically, the physician who was with the  
10 health services for the detention center saw Mr. Brooks  
11 upon -- initially upon his arrival into South Carolina, at  
12 least, on one occasion because he worked at the VA at the  
13 time. Mr. Brooks can tell you about his conversations  
14 with his doctor because they did talk about it. Not only  
15 with his doctor, but with the other medical staff there at  
16 Alvin S. Glenn. Not only his doctor's frustration with  
17 the VA, but their reaction when they looked at the  
18 prescriptions. And I'll let Mr. Brooks go into that with  
19 you, Your Honor. Everybody that's ever looked at this, it  
20 seems, outside of the VA has been why are you on this.

21 The current doctor at the detention center has  
22 totally changed his regimen of medications. They've done  
23 what they could within the confines of the detention  
24 center protocol to get him mental health treatment with  
25 the psychiatrist, including his medical doctor also had a

1 doctor that is seeing him at the detention center now.  
2 He's actually recommended Mr. Brooks probably find  
3 services, medical services outside of the VA.

4 In fact, he has indicated to Mr. Brooks that one of  
5 the reasons he left the VA, and he is retired military, is  
6 because of their regimen of pushing these types of high  
7 dosages and multiple medications to patients.

8 Your Honor, just to be delicate, I knew that  
9 Mr. Brooks had an intestinal issue and continues to wear  
10 adult diapers, and the VA treatment of that was never  
11 satisfactory. He says under the care of this doctor, even  
12 that has made a vast improvement. And I only raise that,  
13 Your Honor, in the context of there's a great deal of  
14 psychiatric treatment and medical treatment that  
15 Mr. Brooks is going to require. And he has indicated to  
16 probation as they prepared his PSR that he would very much  
17 like to get drug counseling and drug treatment.

18 Obviously, in his particular case, Your Honor, that's  
19 going to be more than drug treatment. This is not just  
20 simply an addiction issue or somebody who just wants to  
21 use these types of drugs for the sake of using them. He  
22 does suffer from PTSD. He does suffer from traumatic  
23 brain injury. And, again, as his wife said, Your Honor, I  
24 know they don't mean it this way, but the notion that he's  
25 faking a brain injury or anything like that, that's what

I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits introduced.)

**RECEIVED**  
SEP 06 2018  
SC Court of Appeals

1 MR. GOLSON: Yes, Your Honor, may it please the  
2 Court. Just for the record, it's Assistant Solicitor Josh  
3 Golson for the State. I'm also joined by my then  
4 co-counsel, Joe Leventis.

5 Your Honor, this event occurred at 7:00 a.m. on  
6 May 2nd, 2014, on the westbound lanes of Interstate 20  
7 here in Richland County. The Defendant was driving his  
8 Chrysler sedan and rear ended a Pacifica minivan driven by  
9 the victim, Lamont Hampton.

10 At the time of the rear end collision, according to  
11 witnesses as well as the information that law enforcement  
12 was able to download from the Defendant's onboard car  
13 computer, the Defendant was drifting across all three  
14 lanes of traffic. He struck the victim's car in the rear  
15 at approximately 101 miles an hour. That force of the  
16 collision and the direction of the collision caused  
17 Lamont's vehicle to go off the right side of the roadway  
18 where it struck several trees.

19 The final point of impact was a large tree. It  
20 crushed in the front end of his vehicle, the Pacifica. It  
21 drove the engine block and the engine compartment through  
22 the front row seats, pushed the victim's body back towards  
23 the second row of the seats. It was, as was described to  
24 us by the forensic pathologist, one of the most violent  
25 car collisions she's ever seen in relation to a DUI case.

1           In addition to that, Judge, Corporal Oxandermore from  
2 the South Carolina Highway Patrol, who is certified as a  
3 drug recognition expert, did come to the hospital and  
4 examine the Defendant. He gave him a physical exam along  
5 with some specialized exercises.

6           During the course of that examination, the Defendant  
7 told Corporal Oxandermore that he had not slept very much  
8 in the past three or so days. I think he roughly said  
9 about two or three hours was his rough approximation  
10 during that time period. He also admitted to having  
11 smoked marijuana that morning.

12           As a result of the examination, Corporal Oxandermore  
13 also determined that the Defendant was under the influence  
14 of narcotics at the time of the collision.

15           Because of this, the Defendant was initially charged  
16 with one count of felony DUI resulting in death. That was  
17 true billed on indictment number 2014-GS-40-03853. The  
18 State subsequently also charged the Defendant with  
19 reckless homicide by way of a directly presented  
20 indictment. That was indictment number 2016-GS-40-00587.

21           And those are the underlying basics for the  
22 information. Judge, we have some photographs of the  
23 collision that I think are especially important that Your  
24 Honor did not have the benefit of seeing in trial, but we  
25 had discussed the presentation of such with Mr. Lloyd, the

1 remaining.

2 It's the State's belief upon speaking with forensic  
3 toxicologists, other physicians and law enforcement based  
4 upon his statements and admissions about not sleeping,  
5 about smoking marijuana, we suspect that he was -- had  
6 been abusing for quite some time, particularly in the time  
7 prior to the collision had been abusing Xanax and was  
8 using the marijuana to supplement the effects --  
9 subsequently mitigate the effects of the Xanax when he was  
10 coming down from that medication.

11 What's also very interesting, as well as extremely  
12 concerning to the State, Judge, is that on the date of  
13 this collision when he killed Lamont Hampton, the  
14 Defendant had no legal right to even be driving a vehicle  
15 in the first place. We have a certified copy of his  
16 driving record from the State of Alabama that shows his  
17 driver's license had been suspended for a variety of  
18 driving infractions, including driving under suspension,  
19 speeding, failure to appear, child restraint violations,  
20 failure to stop at a stop sign, running a red light,  
21 speeding, reckless driving, running a red light, improper  
22 equipment. That's about the sum of it.

23 In addition, in talking to the DMV about those  
24 infractions, we confirmed again that he did not possess a  
25 valid South Carolina driver's license. Indeed, he never

1 registered to his wife, I believe. February 9th, he was  
2 driving without a license again, unlawful turning and  
3 simple possession of marijuana.

4 The State moved to revoke his bond on that. We were  
5 unsuccessful and were denied by the presiding judge. But  
6 again, I think these factors -- I'll get into why it's so  
7 important to the State later. To be driving the same  
8 vehicle you were driving when you killed someone, to be  
9 driving a vehicle without a license when you were never  
10 entitled to a license, and to be driving a vehicle and,  
11 essentially, recreating potentially a set of circumstances  
12 that existed when you killed another person because he was  
13 also in possession of marijuana at the time, at least, as  
14 alleged by the arresting officer.

15 In 2016 -- forgive me, Your Honor, I don't have the  
16 exact date of that charge in Sumter. He was again  
17 arrested for a third time and charged with assault and  
18 battery of a high and aggravated nature. I'm not sure  
19 whether that has been resolved at this time. I know there  
20 were some discussions with the Sumter County Solicitor's  
21 Office about resolving that case in connection with the  
22 trial in a subsequent no contest plea we had earlier this  
23 year in January, but I think that also is relevant to show  
24 the Defendant's character. It's evidence of his bad  
25 character, the driving offenses, the continuous driving

1 I imagine, the federal government is not necessarily keen  
2 on disclosing medical records, but we learned a lot of  
3 interesting things throughout the course of that  
4 investigation, some of which I'm going to go into as brief  
5 detail as I can, but I want to make sure I impress upon  
6 the Court the gravity of what we consider this to be.

7 At some point, the Defendant had alleged that he had  
8 had a seizure while he was driving and that seizure was  
9 the cause of the collision, not the fact that he was  
10 impaired by marijuana or Xanax at the time. And what we  
11 found out is he was being treated by the VA Medical  
12 Center, both in Alabama and South Carolina, various  
13 facilities throughout those states, perhaps, even  
14 Tennessee maybe. He had claimed over the years that he  
15 had sustained a series -- or, perhaps, just one brain  
16 injury while he was serving overseas in Iraq as a member  
17 of the Armed Forces. But his stories over time, as we  
18 noticed, changed, his behavior changed and his demands for  
19 narcotics changed over that time period.

20 We saw in 2009 he had reported some sort of brain  
21 injuries. He was given brain scans by neurologists over  
22 the course of these years, but in 2009, he had a brain  
23 scan that came back negative for any signs of injury. He  
24 continued to have CT scans throughout the years.

25 What's notable is that he first -- when he was in

1 opinion, he was exhibiting aggressive drug-seeking  
2 behavior, had demanded specifically Xanax for his  
3 conditions. He told the doctors at that time and the  
4 nurses that if they refused to give him the drugs he  
5 wanted, he was going to wheel himself out into Garners  
6 Ferry Road into traffic and kill himself.

7 During the surrounding time period, he also underwent  
8 CT scans and other testing to ascertain whether or not he  
9 had a real seizure disorder and any actual injury  
10 sustained from any of these events he's previously  
11 described to physicians over the years.

12 Most recently, a very experienced neurologist named  
13 John Steadman in 2015, not quite a year after this  
14 incident, gave him a CT scan to check for seizure  
15 activity. And what was notable about that is the doctor  
16 noted that the Defendant's claims to have had head  
17 injuries from shrapnel were not evidenced by the CT  
18 imaging of his brain. He did not appear to have any sort  
19 of condition that was epileptic. And just in case, I  
20 think to cover themselves from any liability, they had  
21 kept him on anticonvulsive therapy just as an ultimate  
22 precaution.

23 Finally -- and all of these were witnesses we had  
24 subpoenaed and had available to testify at trial, Your  
25 Honor. The final witness we had available to testify at

1           We think that's especially important because the  
2 final thing that we learned is that based off the  
3 voluntary behavior exhibited by the Defendant, it can  
4 present with physical manifestations of what someone might  
5 interpret to be seizure, but, ultimately, these things are  
6 self-induced. The doctors told us that pseudoseizures or  
7 what are more commonly called fake seizures are started  
8 and stopped at will, completely controlled by the person  
9 who is purported to be experiencing them, in this case,  
10 the Defendant.

11           In no way do we have any substantial belief or any  
12 remote idea that it's even possible that he ever could  
13 have experienced a seizure that led to the collision. Nor  
14 do we believe that he ever experienced any viable seizure  
15 activity period since he's been claiming to experience  
16 them subsequent to his military service.

17           One moment, Your Honor.

18           (Pause.)

19           MR. GOLSON: Your Honor, we say all of these things  
20 with a profound appreciation for what it is we're  
21 alleging, what was born out by the evidence in trial and  
22 what we did not get to present to the Court because the  
23 Defendant did plead no contest on the third day. But  
24 based on all these aggravating factors, the high speed  
25 collision, the fact the Defendant had admitted to law

1 multiple times. And we think that a maximum sentence on  
2 both charges to be served concurrently and not consecutive  
3 would be substantiated by the evidence and the facts in  
4 this case.

5 THE COURT: Thank you. Thank you, Solicitor.

6 Victim impact, Solicitor?

7 MR. GOLSON: Your Honor, we're joined by Vincent  
8 Hampton, who is Lamont's brother. I do not think that he  
9 wishes to speak at this time.

10 Is that correct?

11 He did have the opportunity to testify at trial. And  
12 I will relay on his behalf that Lamont, at the time of his  
13 death, he did leave behind, of course, his brother and his  
14 father, but also now several children, four children, in  
15 fact, who are now by no choice of their own are going to  
16 have to face the rest of their lives growing up without a  
17 father. I think that's also important for the Court to  
18 consider.

19 THE COURT: Thank you.

20 Anything you would like to add, Mr. Leventis?

21 MR. LEVENTIS: No, sir, Your Honor. He said it all.

22 THE COURT: Thank you very much, Solicitor.

23 All right. Mr. Lloyd.

24 MR. LLOYD: Thank you, Your Honor. Your Honor,  
25 before I begin, let me just again say that our work on

1 from Alabama. Even though these all are VA records, they  
2 explained it's a different system, we can't just access  
3 your records.

4 At the time, Your Honor, he was being prescribed  
5 Xanax, Zoloft, Gabapentin and a number of other drugs,  
6 including drugs for, as the State said, anticonvulsive or  
7 antiseizure activity. He had been on that for years, Your  
8 Honor, under the direction of doctors with the VA.

9 They're looking to get those records dragged on and  
10 on and on to the point that Mr. Brooks ran out of the  
11 antiseizure medicine and there was no end in sight, for  
12 him anyway, as to those records being delivered to South  
13 Carolina.

14 The morning of this, Your Honor, Mr. Brooks was  
15 headed to Alabama to do two things. One, he had an uncle  
16 who had just died and he intended to visit his family and  
17 go to the funeral. And two, was to go to the Birmingham  
18 VA to get his medical records and actually physically  
19 bring them back. He had been experiencing some  
20 difficulties not having that medication.

21 Again, Your Honor, we wouldn't represent to you that  
22 the lack of that medication or the dosage or anything like  
23 that is something Mr. Brooks really understood at the  
24 time. And I'll address that in a moment when we talk  
25 about the medications.

1 hospital -- I believe Your Honor may remember, I believe,  
2 it was during a pretrial motion issue, Your Honor heard  
3 and viewed the videotape of Mr. Brooks on a hospital  
4 gurney answering questions from the highway patrolman,  
5 trooper. If Your Honor remembers -- when the State says  
6 he says he smoked marijuana that morning, if Your Honor  
7 remembers, Mr. Brooks also was not oriented as to the day  
8 and the month under questioning by that trooper.

9 There are a number of other things that, Your Honor,  
10 may recall from witnesses and that videotape. One being  
11 that at the time Mr. Brooks was taken to the hospital --  
12 because everybody testified that they thought he was under  
13 the influence of something. Including, I believe, the ER  
14 nurse, which she got from the trooper, nobody, including  
15 the trooper who was on the scene, the trooper who went to  
16 the hospital, and the nurse who was treating him in the  
17 emergency room said they smelled any marijuana, if Your  
18 Honor remembers that testimony. The trooper on the scene  
19 also testified, his years of experience, he didn't smell  
20 any smoked marijuana in the car.

21 Mr. Brooks, Your Honor, has been candid during this  
22 whole episode. I don't offer any of this for any excuse  
23 as to what happened, Your Honor, but I do want to put it  
24 in the proper perspective. He said for years after he got  
25 back, he has smoked marijuana and probably misused it

1 pseudoseizures.

2 Now, with all due respect to the State, Your Honor,  
3 we would have gone into extensive cross-examination with  
4 any doctors, whether they be from the VA or anywhere else,  
5 because none of the medical records call them  
6 pseudoseizures, paraseizures, fake seizures. I do have to  
7 take some pretty strong exception to that.

8 In our research into this on what the VA diagnosed  
9 him as paraseizures or pseudoseizures, no medical expert  
10 said these are fake seizures. In fact, much of the  
11 medical literature out there specifically tells everybody  
12 to quit calling it that.

13 What it is, is a different type of seizure. The  
14 reason CT scans do not show any brain activity is because  
15 it's not an epileptic seizure. That's well documented in  
16 the medical world, but it is a real condition. It's a  
17 real condition because that's what the VA diagnosed him  
18 with. Mr. Brooks didn't come up with that. In all the  
19 years, Mr. Brooks didn't show up anywhere and tell anybody  
20 he had paraseizures or pseudoseizures, the VA told him he  
21 had that. The first time they tell him that is when he  
22 goes from Alabama to Tennessee because they can't figure  
23 out what's going on.

24 Your Honor, I think Your Honor may be familiar with  
25 some of the discussions we had prior to the trial and then

1 S. Glenn. One of the things -- every time he would go to  
2 Richland Memorial from the jail or from this courthouse,  
3 Richland Memorial would give him one Gabapentin. He would  
4 go back to the jail and they would give him either a  
5 substitute or nothing at all.

6 His wife, now wife, Your Honor, fiancée at the time,  
7 will tell you in just a little bit that in the holding  
8 cell at the Alvin S. Glenn Detention Center on Mother's  
9 Day, Mr. Brooks is having a seizure and is on the floor.  
10 Inmates in there are calling and calling for medical  
11 attention for him. Nobody comes. One inmate doesn't look  
12 around and say this is fake. I'm not bothered by this.  
13 Literally calls his fiancée. She calls me. I have to  
14 track down a nurse, finally, who says I'm going to go  
15 check on him now. They then put him in an ambulance to  
16 take to Richland Memorial, not because he was faking.  
17 There is not one incident either at Alvin S. Glenn, at the  
18 VA where any doctor says this is fake, not one.

19 Your Honor, I believe has the medical records. I  
20 know the probation agent, the PSR did. We're going to go  
21 through that. They were like this, Your Honor. Not one  
22 description in those medical records from the VA says he's  
23 faking the seizure. I don't mean to belabor that, Your  
24 Honor, but the notion that he shows back up from Iraq  
25 having been discharge with a TBI, traumatic brain injury,

1 themselves, at one point, the VA kept him on  
2 anticonvulsive medication. This is the folks who wouldn't  
3 give him any medication until they got medical records,  
4 weren't in a hurry to get medical records, didn't put him  
5 back on this medication, anticonvulsive or antiseizure  
6 medication until after this accident. I submit, Your  
7 Honor, that's what they were covering for. I'm not here  
8 to say this is the VA's fault or anything else, but I do  
9 want to put this into proper perspective. This is not  
10 Mr. Brooks running around looking for medication. If you  
11 look through those records, they're the ones changing  
12 medication on him, upping and lowering the dosages and  
13 pushing pills. That was the VA, not Mr. Brooks.

14 The notion that he was making demands for narcotics,  
15 nobody ever says he shows up and says give me anything.  
16 He says I want my medicine. Y'all figure out what's going  
17 on. I'm continuing to have these seizures.

18 Your Honor, the State -- and one of the things we've  
19 never said is that he had a license, he had any right to  
20 drive. In fact, we've always approached this case from  
21 the standpoint of a reckless homicide case. Number one,  
22 he shouldn't. Number two, it had nothing to do with being  
23 under the influence of marijuana or anything like that,  
24 other than what was prescribed to him. We've always said  
25 given that he was not on his medications, given that he

1 was no other transportation. After the second arrest when  
2 they moved to revoke bond, we agreed that we would provide  
3 some other way for him to get to the VA. We made other  
4 arrangements. Coincidentally, one of those other  
5 arrangements was this individual who accused him of having  
6 assaulted him in Sumter, who had been known to Mr. Brooks  
7 and had promised to drive him back and forth.

8 That individual that day, Your Honor, wouldn't take  
9 him, was delayed in taking him. He was doing other stuff.  
10 They got into an argument, he and Mr. Brooks, they got  
11 into an argument. That individual, Your Honor, Mr. Brooks  
12 as well as others familiar with this individual in Sumter  
13 know him to have HIV. As they were arguing, that  
14 individual spit into Mr. Brooks' face and mouth. That's  
15 what they got into a fight about.

16 Your Honor, as we sit here -- stand here today, Your  
17 Honor, I believe that individual is still in the detention  
18 center in Sumter on a CSC charge. Mr. Brooks has always  
19 maintained his innocence in that. He says he was the one  
20 who was attacked. Everybody there, in fact, was friends  
21 with this other individual. Mr. Brooks was jumped on by  
22 multiple individuals.

23 Your Honor, after you hear from Mr. Brooks and his  
24 family, I do want to come back to the issue of sentencing  
25 after they speak.

1           ROSALYN BROOKS: First of all, I just want to say  
2 that that day -- I'm sorry, Your Honor.

3           THE COURT: That's all right.

4           ROSALYN BROOKS: That, Your Honor, prior to my  
5 fiancée, my now husband, leaving for Alabama, he did not  
6 at any time smoke or ingest any marijuana at all. He has  
7 always been candid about his use of marijuana. That's  
8 because of all the hardship when he come back from Iraq.

9           I was there with him in Iraq and to say that the  
10 injuries he had is not real, it's just unbearable because  
11 I saw the stuff that he experienced over there firsthand.  
12 Firsthand, I saw all of the hardship he had, what he has  
13 dealt with since he returned. And I'm not excusing his  
14 behavior at all of what happened, I'm just not because it  
15 was tragic what happened, but he in no way at all intended  
16 on harming anyone that morning, especially Mr. Lamont  
17 Hampton. He had no intentions of doing that. He just  
18 wanted to go home, finish mourning the loss of his  
19 grandmother, who passed about five months prior to that.  
20 You know, it was close to Mother's Day, so he wanted to go  
21 to her. And he had just lost an uncle that week prior to  
22 him leaving. And he also wanted to speak with the VA  
23 about his medication that transferred his records, so his  
24 mind, Your Honor, was just in 90 different directions.

25           He has a great heart, and he just did not intend to

1 THE COURT: All right. Yes, sir, Mr. Lloyd.

2 MR. LLOYD: Thank you, Your Honor. Your Honor, just  
3 a couple of quick points before Mr. Brooks speaks to you.  
4 There was an earlier reference made to the VA saying that  
5 Mr. Brooks should not drive. You may recall from the  
6 records, there are two notations about driving. One is, I  
7 believe, dating way back to 2005, where he was first  
8 prescribed a number of these medications. There's a  
9 notation in the medical records that he should not drive  
10 until he sees how the medication affects him. There's not  
11 another notation in a foot and half stack of documents in  
12 his medical records about his driving until after this  
13 accident. So I do want to just put into context that the  
14 VA had never said anything about driving. That doesn't,  
15 obviously, discount the issue about a valid driver's  
16 license or anything, but the notion that the VA was  
17 cautioning for him not to drive at any point, we are in  
18 dispute.

19 Also, it was earlier said, Your Honor, that I would  
20 come back to something that you ordered at the time. As  
21 you may recall, at the time, you ordered the PSR in this.  
22 I forget the young lady from Alvin S. Glenn Detention  
23 Center who came over and appeared before Your Honor, who  
24 was very helpful, both trying to get the VA prescriptions  
25 to Mr. Brooks while he was being held at the detention

1 role in that.

2 Your Honor, both of us feel that that's done a world  
3 of good because that cocktail that the VA had him on  
4 probably would have done him in in the end anyway.

5 One other thing, Your Honor, while he's been here at  
6 the detention center awaiting this hearing, he has met on  
7 several occasions with the VA justice program, Mr. Alex  
8 Julian with the VA justice program. They met with him.  
9 They understand the situation he's in. They also stand  
10 ready to assist with programs and services that they offer  
11 for that in this situation. I can go into that in more  
12 detail if Your Honor pleases, but there are some services  
13 should a sentence be structured around that that they can  
14 provide.

15 Your Honor, we understand the gravity of this.  
16 Sincerely from the bottom of my heart, not to lessen or  
17 discount the loss to the Hampton family, we understand  
18 that. We understand the loss. But we're asking instead,  
19 Your Honor, that you treat this case one as a reckless  
20 homicide. We're asking for a sentence on the lower end.

21 Mr. Brooks realizes he has to pay some penalty, but  
22 in the balance of justice, we believe that a shorter  
23 sentence and a number of conditions after that, probation,  
24 would allow Mr. Brooks to get some of the treatment that  
25 he desperately needs as was recommended to him by the

1 the VA told him.

2 Mr. Brooks has told me about the injuries as well as  
3 his wife. She was over there most of the time. They were  
4 both in. He's told me and she's told me, yes, he did get  
5 shot. He did have Kevlar helmet because they took shots.  
6 Yes, there was an incident with a cement truck.

7 Mr. Brooks -- one of Mr. Brooks' jobs, I say one of  
8 them, was to drive fuel trucks from the green zone out to  
9 the airport, refuel and bring those back. Obviously, all  
10 of us knew what the green zone was from television and  
11 hearing news accounts of that. I had no idea really what  
12 physically they were doing in that regard. As he  
13 recounted, he would load humvees and fuel trucks, you  
14 would race as fast as you can to the airport, fuel up and  
15 race as fast as you can back. On one of those occasions  
16 while they're at the airport, there was an accident that  
17 involved a number of folks, including Mr. Brooks where  
18 there was an explosion.

19 Again, Mr. Brooks, in many of these instances, Your  
20 Honor, he didn't seek any type of discharge or anything  
21 related to that. He was treated medically and went back  
22 to service.

23 One occasion, he was ambushed, his truck was  
24 ambushed, and his convoy, RPGs and other weapons, and he  
25 did suffer again. That's what he was diagnosed with by



## DEPARTMENT OF VETERANS AFFAIRS

September 8, 2017

PEREZ ANTWON BROOKS  
3515 PINWOOD RD  
SUMTER SC 29154

In reply, refer to:  
319/RM  
File Number: [REDACTED] 4136  
Perez Brooks

Dear Perez Brooks:

We made a decision regarding your entitlement to VA benefits.

This letter tells you what we decided. It gives the evidence used and reasons for our decision. We have also included information about what to do if you disagree with our decision and who to contact if you have questions or need assistance.

**Your current benefit payment will continue unchanged.**

### What We Decided

We made the following decision(s):

The claimant is not competent to handle disbursement of funds.

The evidence of record shows that there is a definitive finding of incompetency by a physician and that you are not shown to be able to manage your personal affairs to include disbursement of funds. For this reason, we have determined that you are incompetent for purposes of managing VA payments.

### Important Information

The evidence shows that your disability keeps you from adequately managing your Department of Veterans Affairs (VA) benefits. Therefore, we will find someone to manage them for you. A VA employee will contact you within the next 30 days to discuss the VA Fiduciary Program and the appointment of a fiduciary.

As we advised you previously, the Brady Handgun Violence Prevention Act prohibits you from purchasing, possessing, receiving or transporting a firearm or ammunition based upon our determination that you are incompetent to handle your VA funds. You may be fined and/or imprisoned if you knowingly violate this law.

File Number: ██████████4136  
 BROOKS, PEREZ A

- Rating Decision, dated March 23, 2016
- Proposed Incompetency Letter, dated March 24, 2016
- VA Examinations, Columbia VAMC, Review Evaluation of Residuals of Traumatic Brain Injury (R-TBI), dated November 16, 2016; January 3, 2017

## What You Should Do If You Disagree With Our Decision

### For Compensation Claims:

If you do not agree with our decision, you must complete and return to us the enclosed VA Form 21-0958, *Notice of Disagreement*, in order to initiate your appeal. You have *one year from the date of this letter to appeal the decision*. The enclosed VA Form 4107, *Your Rights to Appeal Our Decision*, explains your right to appeal.

### What is eBenefits?

eBenefits provides electronic resources in a self-service environment to Servicemembers, Veterans, and their families. Use of these resources often helps us serve you faster! Through the eBenefits website you can:

- Submit claims for benefits and/or upload documents directly to the VA
- Request to add or change your dependents
- Update your contact and direct deposit information and view payment history
- Request a Veterans Service Officer to represent you
- Track the status of your claim or appeal
- Obtain verification of military service, civil service preference, or VA benefits
- And much more!

Enrolling in eBenefits is easy. Just visit [www.eBenefits.va.gov](http://www.eBenefits.va.gov) for more information. If you submit a claim in the future, consider filing through eBenefits. Filing electronically, especially if you participate in our fully developed claim program, may result in a faster decision than if you submit your claim through the mail.

### If You Have Questions or Need Assistance

If you have any questions or need assistance with this claim, you may contact us by telephone, e-mail, or letter.

If you	Here is what to do
Telephone	Call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the Federal number is 711.
Use the Internet	Send electronic inquiries through the Internet at <a href="https://iris.va.gov">https://iris.va.gov</a> .
Write	VA now uses a centralized mail system. For all written



File Number: [REDACTED] 4136  
BROOKS, PEREZ A

You may apply to VA for relief of firearms prohibitions imposed by the law by submitting your request on the enclosed VA Form 21-4138, Statement in Support of Claim. VA will determine whether such relief is warranted.

### **Are You Entitled to Additional Benefits?**

Did you know you may be eligible for a VA guaranteed mortgage with no down payment (potentially exempt from a funding fee depending on your rating)? For more information about this benefit, or to determine and print your Loan Guaranty Certificate of Eligibility, please visit the eBenefits website at <http://www.ebenefits.va.gov>.

If you served overseas in support of a combat operation you may be eligible for mental health counseling at no cost to you at the Veteran's Resource Center. For more information on this benefit please visit <https://www.myhealth.va.gov/mhv-portal-web/>.

The VA provides Blind Rehabilitation services to eligible blind, low vision, or visually impaired Veterans to help them regain their independence and quality of life. The Veteran's blindness, low vision, or vision impairment does NOT have to be related or caused by military service. If you need help with your vision loss, please contact your nearest Visual Impairment Services Team Coordinator (VIST) at the eye clinic at your nearest VA Medical Center. For more information, go to [www.va.gov/blindrehab/](http://www.va.gov/blindrehab/).

The Department of Education provides a program for Veterans to discharge their student loans. To be eligible, the Veteran must have a service-connected disability(ies) that is 100% disabling, or be totally disabled based on an Individual Unemployability determination. For more information concerning this benefit, please call toll-free 1-888-303-7818. Visit the website at <http://www.disabilitydischarge.com/home/>.

You may be entitled to Armed Forces Commissary and Exchange privileges. Honorably discharged veterans evaluated as 100 percent disabled due to service-connected disability; or, Medal of Honor recipients; or, military retirees and their dependents may qualify for entitlement to this additional benefit. To obtain a certification for commissary store and exchange privileges, please visit eBenefits at [www.eBenefits.va.gov](http://www.eBenefits.va.gov), or you can request a copy by visiting your local Regional Benefit Office. To locate your Regional Benefit Office, please visit following website: <http://www.benefits.va.gov/benefits/offices.asp>.

### **Evidence Considered**

In making our decision, we considered:

- VA Medical Center, multiple entries, Columbia VAMC/VA regional affiliates (electronic review), from April 21, 2012 through May 30, 2017
- Correspondence, VA Treatment Facility, requesting fiduciary, received December 10, 2015
- VA Examination, Columbia VAMC, Review Evaluation of Residuals of Traumatic Brain Injury (R-TBI), dated February 3, 2016; with addendum dated March 9, 2016

File Number: ██████████4136  
BROOKS, PEREZ A

	communications, put your full name and VA file number on the letter. Please mail or fax all written correspondence to the appropriate address listed on the attached <i>Where to Send Your Written Correspondence</i> chart, below.
--	---

In all cases, be sure to refer to your VA file number 418214136.

If you are looking for general information about benefits and eligibility, you should visit our web site at <https://www.va.gov> or search the Frequently Asked Questions (FAQs) at <https://iris.va.gov>.

We sent a copy of this letter to **DISABLED AMERICAN VETERANS**, who you have appointed as your representative(s). If you have questions or need assistance, you can also contact your representative.

Thank you for your service,

**Regional Office Director**

Enclosure(s): VA Form 4107  
VA Form 21-0958  
VA Form 21-4138  
Where to Send Written Correspondence Chart

cc: **DISABLED AMERICAN VETERANS**



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

June 08, 2017

**RECEIVED**

SEP 06 2018

SC Court of Appeals **RECEIVED**

JUN 20 2017

SC Court of Appeals

Mr. Reginald I. Lloyd, Esquire  
715 West Dekalb Street  
PO Box 1555  
Camden SC 29021

Re: The State v. Perez Antwan Brooks  
Appellate Case No. 2017-001295

Dear Counsel:

This Court has received your explanation for appealing.

Please forward your explanation to your client, along with a statement that your client has twenty (20) days from the date of your transmittal letter to inform this Court in writing of any arguable basis that there are issues preserved for appeal. Please provide your client with the Court's address:

South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Please send your letter to your client within ten (10) days, with a copy to this Court.

**THE LLOYD LAW FIRM, LLC**  
715 WEST DEKALB STREET  
POST OFFICE BOX 1555  
CAMDEN, SOUTH CAROLINA 29021

COLUMBIA, SC 292

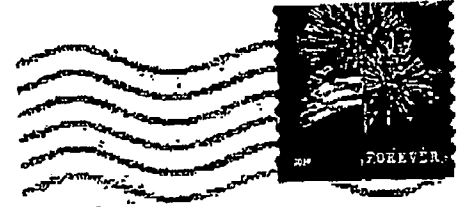
19 JUN 2017 PM 4 T

**RECEIVED**

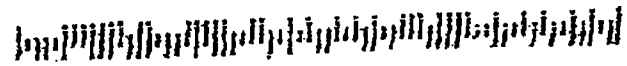
JUN 20 2017

**SC Court of Appeals**

SOUTH CAROLINA COURT OF APPEALS  
CLERK OF COURT  
POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211



2921131629



**THE LLOYD LAW FIRM, LLC**  
ATTORNEYS AND COUNSELORS AT LAW

715 WEST DEKALB STREET  
POST OFFICE BOX 1555  
CAMDEN, SOUTH CAROLINA 29021

803-432-0804 (p)  
803-432-0880 (f)

Reginald I. Lloyd, Esquire  
rlloyd1aw3@gmail.com

June 16, 2017

**VIA HAND-DELIVERY**

Mr. Perez Brooks  
SCDC Inmate #00372744  
Kirkland Reception and Evaluation Center  
4344 Broad River Road  
Columbia, South Carolina 29210

**RECEIVED**  
JUN 20 2017  
SC Court of Appeals

**RECEIVED**

RE: The State v. Perez Antwan Brooks; Appellate Case No.  
2017-001295.

SEP 06 2018

SC Court of Appeals

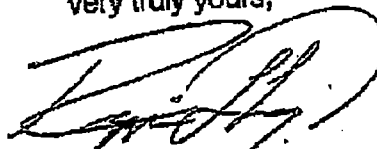
Dear Perez:

Enclosed please find a copy of the Notice of Appeal in the above referenced matter. Additionally, enclosed is correspondence from the South Carolina Court of Appeals asking that you provide the Court, in writing, of any arguable basis that there are issues preserved for appeal and that you believe the Court of Appeals can address in this appeal. You have twenty (20) days from the date of receipt of this letter to provide the written explanation to the Court.

If you should have any questions, please do not hesitate to contact me so that we may further discuss your appeal.

With kind regards, I am

Very truly yours,



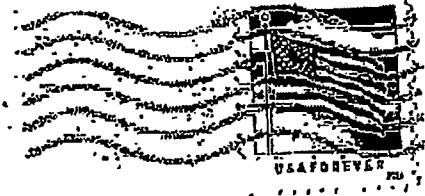
Reginald I. Lloyd

Enclosures

cc: Clerk of Court, South Carolina Court of Appeals

**THE LLOYD LAW FIRM, LLC**  
 715 WEST DEKALB STREET  
 POST OFFICE BOX 1555  
 GAMDEN, SOUTH CAROLINA 29021

COLUMBIA SC 290  
 09 JUL 2017 4:44 PM



**RECEIVED**

Hon. Jenny Abbott Kitchings  
 Clerk of Court  
 P.O. Box 11629  
 Columbia, South Carolina 29211

JUL 10 2017

**SC Court of Appeals**

29211-182929





# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11828  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1880  
FAX: (803) 734-1839  
www.sccourts.org

October 05, 2017

The Honorable Jeanette W. McBride  
PO Box 2766  
Columbia SC 29202-2766

REMITTITUR

**RECEIVED**

Re: The State v. Perez Antwan Brooks  
Lower Court Case No. 2014GS4003853, 2016GS4000587  
Appellate Case No. 2017-001295

OCT 11 2017

SC Court of Appeals

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

Enclosure

cc: Reginald I. Lloyd, Esquire  
Robert Michael Dudek, Esquire  
Joshua Paul Golson, Esquire  
John Benjamin Aplin, Esquire  
Alan McCrory Wilson, Esquire



**South Carolina Court of Appeals**  
 JENNY ABBOTT KITCHINGS, CLERK  
 POST OFFICE BOX 11629  
 COLUMBIA, SOUTH CAROLINA 29211

SC 290  
 17 OCT 17  
 29211

Haster  
 10/05/2017  
**US POSTAGE**

FIRST-CLASS MAIL  
**\$00.46<sup>0</sup>**  
 ZIP 29201  
 011D12602824



**RECEIVED**  
 OCT 11 2017  
 SC Court of Appeals

REGINALD I. LLOYD  
 715 WEST DEKALB STREET  
 PO BOX 1555  
 CAMDEN SC 29021

NIXTE 295 FE 1 0016/09/17  
 RETURN TO SENDER  
 ATTEMPTED - NOT KNOWN  
 UNABLE TO FORWARD  
 BK: 29211352929 P1554-00701-03-35  
 2921171629  
 29021-8555558

**THE LLOYD LAW FIRM, LLC**  
ATTORNEYS AND COUNSELORS AT LAW

715 WEST DEKALB STREET  
POST OFFICE BOX 1555  
CAMDEN, SOUTH CAROLINA 29021

Reginald I. Lloyd, Esquire  
[rlloyd3@gmail.com](mailto:rlloyd3@gmail.com)

803-432-0004 (p)  
803-432-0660 (f)

July 7, 2017

**RECEIVED**

**JUL 10 2017**

**SC Court of Appeals**

Hon. Jenny Abbott Kitchings  
Clerk of Court  
P.O. Box 11629  
Columbia, South Carolina 29211

RE: The State of South Carolina, Respondent v. Perez A. Brooks,  
Appellant; Case No. 2017-001295.

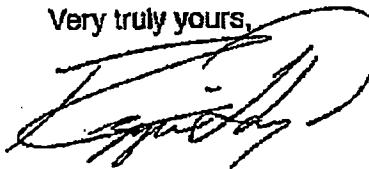
Dear Ms. Kitchings:

Enclosed please a written statement, from the Appellant, of arguable issues that are the basis for the above referenced appeal. The Appellant is providing the written statement pursuant to the Court's instructions, dated June 8, 2017.

Thank you for your assistance. If you should have any questions, please do not hesitate to contact me.

With kind regards, I am

Very truly yours,



Reginald I. Lloyd

Enclosure

cc: Joshua P. Golson, Esq.  
Fifth Judicial Circuit

Very truly yours,

*V. Clain Allen, Deputy*

CLERK

cc: Robert Michael Dudek, Esquire  
Joshua Paul Golson, Esquire  
John Benjamin Aplin, Esquire  
Alan McCrory Wilson, Esquire

To SOUTH CAROLINA, COURT OF APPEALS,

I WOULD LIKE THE COURT OF APPEALS TO CONSIDER ON MY APPEAL THE FOLLOWING:

- ① BECAUSE OF MY PTSD AND MY TBI (TRAUMATIC BRAIN INJURIES) OTHER PHYSICAL AND PSYCHOLOGICAL HEALTH ISSUE AND MEDICATIONS I WAS PRESCRIBED OR DENIED DURING THE TRIAL AND PRIOR TO MY PLEA, I WAS NOT ABLE TO MAKE A KNOWING VOLUNTARY AND INTELLIGENT PLEA.
- ② THE JUDGE DIDN'T FULLY EXAM. ME TO THE EFFECT OF PSYCHOLOGICAL AND HEALTH AND THE MEDICATION ON MY ABILITY TO PLEAD AND WHETHER IT WAS KNOWING AN INTELLIGENTLY MADE.
- ③ SINCE I'VE BEEN AT BCDC THE V.A. HAS PROPOSED ME INCOMPETENT, I ASK THAT THE COURT OF APPEALS CONSIDER MY COMPETENCY AS TO ITS EFFECT ON MY APPEAL.  
THANK YOU FOR YOUR CONSIDERATION.

Perez Brooks, Jr

RECEIVED

JUL 10 2017

SC Court of Appeals

# The South Carolina Court of Appeals

The State, Respondent,

v.

Perez Antwan Brooks, Appellant.

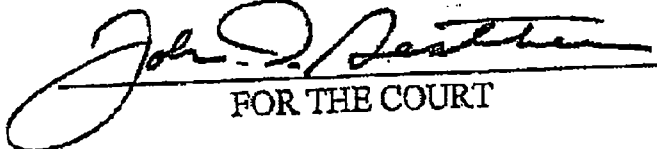
Appellate Case No. 2017-001295

---

## ORDER

---

Appellant has failed to provide a sufficient explanation as required by Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules (SCACR). Accordingly, this matter is dismissed, and the remittitur will be sent as required by Rule 221(b), SCACR.

  
FOR THE COURT

Columbia, South Carolina

cc:

Reginald I. Lloyd, Esquire  
Robert Michael Dudek, Esquire  
Joshua Paul Golson, Esquire  
John Benjamin Aplin, Esquire  
Alan McCrory Wilson, Esquire

**FILED**

Sept. 19, 2017