

ATTN: Brandon (Case Manager)

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

RECEIVED

SEP 07 2018

SC Court of Appeals

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

THE STATE OF SOUTH CAROLINA
RICHLAND COUNTY

State of South Carolina)	SOUTH CAROLINA COURT OF APPEALS
Plaintiff)	CLERK OF COURT
)	
v.)	Lower court case No. 2014GS4003853; 2016GS4000587
)	Appellant Case No. 2017-001295
)	
Perez Antwon Brooks)	
Defendant)	
_____)	

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

Clerk of Court
P.O. Box 11629
Columbia, SC 29211

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

Dear Ms. Kitchenings:

I Perez Brooks am writing to notify the SC Court of Appeals that I was most recently made aware that my appeal was remitted. I didn't receive this information from my attorney on this ^{case} nor did I receive it from the SC Court of Appeals. I received the information about my remitter from my medical attorney on August 4, 2018 at Broadriver Correctional Institution. I have been trying for sometime now to get in touch with SC Court of Appeals and send out my paperwork regarding my appeal but the SCDC mail room does not allow me to send out legal mail. I have not received an OTR to allow me to go to send out legal mail. I have no legal mail supplies so it has been very difficult trying to respond in a timely manner. I have had to ask for assistance from my spouse and family members to send out information on my behalf. I apologize for the handwritten document but this is my only alternative. My previous Attorney Reginald Lloyd abandoned my appeal so I have had limited help or assistance. I know that a response is very time sensitive but I am just becoming aware of what is going on with my appeal. I found out my remitter is dated September 19, 2017.

I am asking/requesting an emergency appeal and an emergency motion to vacate sentence and to vacate my plea/judgement/order. I am asking/requesting a motion under Rule 60(b)(2), Rule 60(b)(4) and Rule 60(b)(6) due to me being deemed incompetent without a competency hearing ever being conducted.

September 8, 2017. On page 2 under "Evidence Considered" VA states that evidence was
being going back to 2012. I have been deemed incompetent on multiple times, but
copy of letter dated September 8, 2017 is attached to this document. Also state
to prohibit trial or pleading of a defendant who may be incompetent. There
is reason to believe and still is reasons to believe that I was incompetent.
- have suffered from mental illness for many years and have been
deemed incompetent in the past and currently by department of Veterans
Affairs. I believe I was denied due process under the 14th Amend-
ment because at no time did a competency issue was raised or a hearing
was not requested.

I am also requesting under Rule 8(c), Rule 8(b) and Rule 8(a)
for Federal Rules of Civil Procedures - General rules for Pleading.

I am requesting relief of my Plea/judgement/order under the
Rule 8(c) preferably but also Rule 8(b) and Rule 8(a). I
thank you for your time and attention with my case.

Enclosed:

Department of Veterans Affairs Letter
for Incompetency

Perez Brooks

Defendant

Broadriver Correctional
MU-0139-B
4460 Broad River Road
Columbia, SC 29210

P R O C E E D I N G S

PEREZ BROOKS, after being duly sworn,
testified as follows:

THE COURT: Did I qualify this plea?

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

THE COURT: I asked for presentencing investigation?

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

THE COURT: So the plea was properly qualified?

MR. GOLSON: Yes, sir.

THE COURT: What date did I qualify?

MR. GOLSON: The 25th of January.

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

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

THE COURT: And I asked for presentence report?

MR. LLOYD: That's correct.

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

Tell me -- I recall the event on I-20, I recall
hitting the van, the gentleman's brother being killed, but
refresh my memory as far as the facts of the case are
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 fiancee 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



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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June 08, 2017

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

RECEIVED
JUN 20 2017
SC Court of Appeals

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
ATTORNEYS AND COUNSELORS AT LAW

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Reginald I. Lloyd, Esquire
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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

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

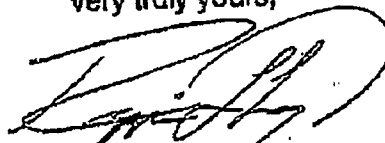
Dear Perez:

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
ATTORNEYS AND COUNSELORS AT LAW

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Reginald I. Lloyd, Esquire
rlloyd3@gmail.com

July 7, 2017

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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.

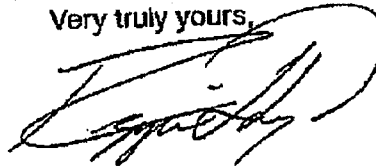
Dear Ms. Kitchings:

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

With kind regards, I am

Very truly yours,



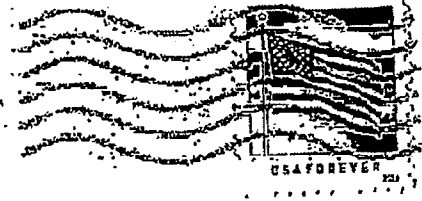
Reginald I. Lloyd

Enclosure

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

THE LLOYD LAW FIRM, LLC
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The South Carolina Court of Appeals

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October 05, 2017

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

REMITTITUR

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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

ATTN: Brandon (Case Manager)

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

I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits introduced.)

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



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V. Claire Allen, Deputy

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

THE LLOYD LAW FIRM, LLC
715 WEST DEKALB STREET
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2921131629



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

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SC Court of Appeals

The South Carolina Court of Appeals

The State, Respondent,

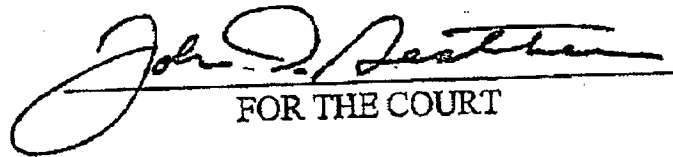
v.

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