

9 Clerk of Court
D. Box 11629
Columbia, SC 29211

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

Dear Ms. Kitchings:

I Perez Brooks am writing to notify the SC Court of Appeals that I was not 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 my sentence and to vacate my plea/judgement/orders. 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 in this trial evidence was
and 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 sta
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
deem incompetent in the past and currently by department of Vetera
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
as 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/judgment/order under the
Rule 8(c) preferably but also Rule 8(b) and Rule 8(a). I
thank you for your time and attention to 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



DEPARTMENT OF VETERANS AFFAIRS

September 8, 2017

PEREZ ANTWON BROOKS
3515 PINWOOD RD
SUMTER SC 29154

In reply, refer to:
319/RM
File Number: ██████████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: [REDACTED] 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 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 https://iris.va.gov .
Write	VA now uses a centralized mail system. For all written



ATTN: Brandon (Case Manager)

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SEP 06 2018

SC Court of Appeals