

(Appellate Case No. 2018-002049)

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December 7,
~~November 8,~~ 2018

General Sessions Judge
300 California Ave.
Moncks Corner, SC 29461

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To Whom it May Concern:

I hope this letter finds you in good health. I am writing to you to appeal my conviction received on November 7, 2018. Nine years is what my conviction ended up being. I'd like to address the dissatisfaction I have with the representation I received. I spent several months trying to get in contact with Ms. Shivers about my upcoming court appearance. I made many phone calls and sent many letters without receiving any response. I didn't hear from her until a few days prior to my court appearance. I feel she didn't use the time she had allotted to study my cases or try to fight for what would have been an appropriate sentencing. When asked if she had requested the evidence that would prove that the assumed victim and guardians statement that was stated in court was inaccurate. She stated requesting the evidence was not her job. I've been confused by this statement considering she is my court appointed attorney. I'm unsure as to whose job it should have been to file the requests for evidence; items that would prove I have been telling the truth in that situation. I came to court that day with all intentions of relieving Ms. Shivers of her duties & requesting the time to establish new counsel; but Ms. Shivers said I would be tried regardless of her representing me or not, so I went with the pleas as she advised because I felt it was my only options moving. I do admit I didn't make the smartest decisions but I absolutely did not harm anyone or

steal anything with ill intentions of not returning; not the smartest idea I know but it is the truth.

In my case involving 2 counts of receiving stolen goods and operating a chop shop. There is no reason for me to be charged with a chop shop that doesn't/never actually existed. Yes, I was sanding and removed the VIN plate for painting purposes only since I purchased the trailer for my handyman business. The VIN plate was damaged prior to me removing it. All items on the property that had any fabrications or modifications done were legally registered to me; which is why Berkeley County released my Chevy 1500 to me free of charge. The evening I was arrested I was completely cooperative with officers and the gentleman picking up the trailer; but in reality I was the only one taking a loss financially, as well as losing my freedom for items I purchased and unaware they were stolen items. After a six hour search was conducted and no other items they expected to find were never in my possession; only the 2 trailers that were purchased purchased from the same guy; my wife offered to show officers the house we went to meet the man to purchase the trailers from; but officers had no interest in getting to the man who was selling stolen goods. I would appreciate if you could reconsider charging me with the chop shop conviction since there wasn't anything on the property that justified there was ever at any time a chop shop.

My next case was originally an armed robbery charge, but this charge was reduced to assault & battery with a high and aggravated nature. Unfortunately, the other party involved in this case has neglected to tell the truth since the incident began. While on the highway (Me driving a dually truck with an estimated 2500 extra pounds of equipment & the young man riding on a motorcycle cut over in front of me and slammed on brakes several different times. Everytime all I could think was thank God I was able to get that truck to stop with it being so extremely heavy without running over the boy and motorcycle causing serious harm or death. Although, I intended to go to a friends house in the same neighborhood; I understand

following him to his home was not a good idea even though my intention was to stress to him how extremely dangerous & life threatening the situation was, but unfortunately things took more of a turn for the worst due to the truth not being told again. It was stated in court that I came up charging at the young man with a knife and chasing him to the back yard then taking the motorcycle keys and leaving. What actually took place was the boy jumped off the motorcycle charging at me with a knife; while I stood still at the end of the driveway and pulled out my knife and held it up for self defense in case he really stabbed me. When I pulled my knife due to being charged at with a knife is the time the young man dropped the knife and ran in the backyard or where ever he went to; but I never chased, or ran in the back yard nor did i ever make contact with the young man. I did then walk up to the bike and take the keys out only because the boy really shouldn't be allowed to ride a motorcycle unsupervised. I never had any intention of keeping the keys nor did i ever intend to come for the motorcycle. I requested for Ms. Shivers to request to have the video of that situation be sent to her office so that you could see I didn't so the things that they have said. The young man's mother posted the video of the footage on just mins after I pulled off; but the footage was only shown with me standing at the footage was only shown with me standing at the end of driveway with knife in hand, the boy running back to garage and me grabbing the keys . The first part of the video was left out when his mother posted the footage. But demanding the video footage as I requested of Ms. Shivers ; would prove this story was told in court was false. It was also stated in court that the dad was the only person who followed me to a friend's business in Summerville. Him and the son were both there there waiting and watching me in the parking lot. When officers detained me and listened to my side of the story the boy was asked to come speak with me, his dad, and the officers about the events that had taken place; he adamantly and continuously refused because his parents were never told that he was driving dangerously and extremely erratic jeopardizing his own life. Again I do recognize making a bad decision and that I played a part in the situation that unfolded. It doesn't seem appropriate to face/or be chagred withsuch

extremely harsh charges when in reality it was a case of immaturity /road rage on both parts. As a parent I completely understand the expectance to take this situation seriously and that something should be done about the situation; if it was one of my children I would agree to wanting something done to but only on the actions that were the truth the things that actually taken place duriig this incident; I would never be able to sit back knowing a person would lose almost a decade of raising his young children because I wasn't allowing the truth to be known about the situation. I hope that you can see why I feel the right thing in this case is to consider overturning the conviction & rehearing the case after I have obtained legal counsel that will do right by me and fight to obtain the evidence that will clear my of the horrible image that was made of me. I know my actions also contributed to the situation that unfolded but unfortunately I have a 14, 4, and 1 month old that are affected and hurt the most out of everyone in the situation. I have also had to live with the monstrous comments & horrible slander this family has continuously published about me on social media for my oldest son, my family, associates, co-workers, and the world to see and the majority of the comments made aren't true.

Moving forward to my third case of trafficking meth and heroin, possession of schedule II, and simple possession of marijuana. I see how things seemed to look like what I was charged with. Honestly I'm a drug addict with many different drug problems that started about 6 years ago. A problem that was developed while trying to mask many events that have truly traumatized my life in a significant way. I began using meth 6 years ago and added heroin 4 years ago; I've grown to using a gram and a half of meth and a gram of heroin a day and pills and weed were just to level everything out. I hide these habits from my wife, family, and my friends I've known my whole life. I was cutting myself off from the world I knew and hanging around new people that were doing the same drugs I do. The scales and baggies that were found in my car were used to make sure I received the correct amount of drugs and the bags I used to bag out what I can use each day. The amount of drugs I had was a weeks worth of usage

for me. I had all of the items with me because I wasn't staying home very often because my habits were pulling me away from everyone I love and care about. I honestly need help with my addiction for they have ruined my life now; prision is not the place to learn how to stay away from drugs when life is drowning me, when it come to a breaking point that I am not able to handle. I am truly a good person loving father and husband who honestly got side tracked with life's unbearable obstacles.

The CDVII charge was not as it seemed as my wife has gone to everyone she could to try and get the charges dropped. I never harmed my wife and the situation was blown out of proportion and she felt as she was walked into signing papers for the CDV but was never told that's what they were for. She has refused to speak with or fill out any paperwork about this situation because it wasn't what it was made out to be. I am requesting a reconsideration of having this charge dismissed considering all parties involved are requesting this to happen.

I would like to suggest a sentence of probation with a large amount of years over my head followed with an intensive rehab program. Or even a 3 year sentence with probation and rehab to follow. A sentence that I can actually benefit from; that will help be get back to the productive citizen I have always been before falling into this low point life led me to.

I greatly appreciate your time and help with this matter. I'm looking forward to hearing from you soon.

Thank you,

James Marrale

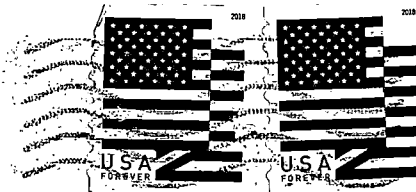
This is just a copy. I kept the
copies that had the stamp stating
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Love you!

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