

DEC 17 2018

Appellate Brief No: G.S.C-17-016878

SC Court of Appeals

The Plaintiff files the Notice and Motion for Appeal for the following reasons set forth below:

- 1. Ineffective Assistance of Counsel, Everett K. Chandler has failed to perform his duties which deprived the defendant now Plaintiff Michael Alexander Collins a fair trial by performing incompetently and by not devoting full effort to the defendant, because of a conflict of interest. List of reasons are set out in Letter form below A through Z to explain in detail the events which leads to the conclusion of ineffectiveness.
(A) Chandler was given instructions by client to do certain task which were not followed and ultimately led to an unfair trial these tasks are as follows:
(a) To file certain Motions that he never filed (b) To secure certain witnesses to be present at trial, he waited till the week before trial to tell client we was going to trial (c) He lied said that the Solicitor had agreed to a time Served Plea then he changed the plea to 0-35 year open plea (d) He did not attack the credibility of the victim when victim was caught on stand in many lies (e) He did not impeach the victim like I asked him to do on a recross- he said that he couldn't do that (f) He did not object to the CAC video like I asked him to do. When the CAC F Interviewer asked leading questions

like "Did Mike ask you if you liked it?"^(g) He did not object when the the CAC F Interviewer told the victim that "If you said something I think is wrong I will tell you it's wrong so you can correct your story" the F Interviewer corrected several things the victim said in the video. He should have objected to coaching the victim. He should have given me all of my motion.^(h) He should have Objected to the pictures because I was not given the pictures with the discovery and he did not have them until trial.⁽ⁱ⁾ He should have motioned to exclude and suppress the Medical Examiner's statement when she bolstered the credibility of the victim by saying "Just because there was no injury does not discredit the victim's statements" but upon questioning she refused to admit that no injury could mean nothing happened.^(j) He should have suppressed and excluded her by her stating that a UTI urinary tract infection could be caused by foreign object or by not being a clean person. Medical Examiner bolstered by stating "victim was a clean person by appearance" even though victim admitted to not bathing, brushing teeth, or using mouthwash. She the Medical Examiner checked all those boxes herself but still stood on the stand and lied just to bolster the witness credibility. Boxes

Were checked by Medical Examiner the day of alleged incident.^(K) Chandler lied to me by saying by not testifying that I would be able to have the last arguement.^(L) He did not go through the list of things we had agree upon for the closing arguement.

(M) He left me clueless as to what he was doing and what was going on.^(N) He did not file a Habeas Corpus like I asked months in advance.

(O) If Chandler would have attacked the victim's truthfulness and trustworthiness the way I asked I think I would have be found not guilty.^(P) Chandler also told me to take a ten (10) year plea that the Judge said that if I did not take the plea and I was found guilty the Judge was going to give me the max. I asked why was I being threatened?

(3) Constitutional right of religious freedom was denied when I had to place my hand on the bible or be subjected to religious discrimination. Every person working in that court had established a firm belief in the religion that the bible in that court room represented. And I know if I wouldn't have put my hand on that bible I would have been subjected to discrimination by the judge, jury, and every one else. So I refused to testify because I do not believe in putting my hand on the bible. Matt 5:34-37/James 5-12 of that bible in all the courts tells us not to put

or hand on the bible, U.S. Constitution Amendment (1) one says not to have a bible in the court room at all. Religion clause, Establishment Clause, Blain Amendment, Freedom of Religion, Freedom of Expression, Excessive Entanglement. That court is violating the U.S. Constitution and violated my constitutional right to a fair trial. Last time I refused to put my hand on a bible on Jan 16 2018 I have been called crazy, Sovereign Citizen, Stupid by the Judges. If I would have not sworn but affirmed instead I would have been discriminated against. I was forced not to testify or to be discriminated against. S.C. Constitution Art 3 § 26, 4 § 2, 6 § 2, 6 § 5, 17 § 4 create a Religious test which is forbidden by the U.S. Constitution.

(4) Plaintiff was denied a fair trial when exculpatory exonerating evidence was ordered to be destroyed by a South Carolina Investigator. The alleged instrument that was said to have been used in the alleged crime was ordered to be destroyed by South Carolina Investigator denied the defendant a chance to present evidence for his defense. The size shape and testing of said object would have played a key role in the credibility of the story of

the alleged victim. The enormous and extreme size would have disproved the testimony 100 fold due to the fact no injury was sustained even after the insertion of a very wide and very long object. The object would have also left DNA and if tested would have tested positive for Mother's DNA ONLY!!! Defendant was denied the only key evidence that would have freed him. When questioned by Investigator the Mother agreed that she did own one and after learning there was one available for testing they decided to DESTROY IT INSTEAD!!

(5) I told Chandler told strike a juror that I thought I recognized from the same road as victim's mother, he did not and when the jury was being selected I did not have a chance until the end to pick who I wanted stricken or seated.

(6) I told Chandler to ask certain questions from the victim and he refuse if he would have asked those questions the truth would have come to light.

(7) The Judge should have dismissed the charges when Chandler pushed for a directed verdict. The trustworthiness of victim was already

already proven untrustworthy with the prior inconsistent statements.

(8) The Judge should have dismissed all charges for the Spoliation Motion Chandler filed. I request the courts to appeal that decision.

(9) The Judge should not have charged the jury over and over and over again on how a "defendant is entitled to not take the stand and how it does not effect how they should look at the defendant because he has on a robe of innocense up until he is found guilty by the jury."

(9) The solicitor was able to put words in the mouth of the victim by saying that the defendant put the "dildo in just a little bit" when the victim never said just a "little bit."

(10) Chandler should have objected when the solicitor said in her closing Arguement that I was at the house with one little girl the victim. That was a lie I was there with my one (1) year old daughter, too! Should have objected when the solicitor said that there was no testimony about a scratch.

(11) The Court errored in the Mental evaluation determination. The report states that they reserve the right to change diagnostic opinion when the records of defendants entire Mental Health records came back from GA Regional and another Hospital.

(12) The Court erred because the defendant was not in the right state of mind "unstable" and heavily sedated on Medication while the trial was taking place. 400 mg Seroquel 150 Welbutran baclofen topamax Maitopalan and was unable to make rational decisions regarding trial. He instead waits until around 4-6 pm and write's Down his decisions when his medication wears off and he can think straight.

13. The Court erred when they used an unconstitutional law such as when corroborating evidence is not needed only the statement itself is enough to convict. Defendant was denied Equal Protection of laws guaranteed by the 14th Amendment. . . . Discriminated against when only CSC charges ~~can~~ can be evidenced with only statement and that is sufficient enough.

14. Candler did not file a habeas Corpus that I asked him to file months prior.

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