

Dear South Carolina Court of Appeals:

Hello, My name is Michael Brent Gay and I would like to start off by saying that this is the first time I have ever been incarcerated for a serious offense. I would also like for you to know that I am new to the judicial system and therefore new to writing legal mail. I am going to do my best to try and explain why my case No. 2018-00262 should be appealed. By doing this I would like for you to know that I am currently at Kirkland R#E and do not have access to a law library.

On Dec. 10, 2018 I started trial for case No. GS-29-00377 The State of South Carolina County of Lancaster vs. Michael Brent Gay. John Delgado and Dane Phillips my attorneys visited me in the 3rd night of the trial at the Lancaster County Detention Center. During our meeting we discussed the trial and how it was going in our favor. We even spoke about where I was going to be the following week. The next morning about two hours into the trial, John Delgado brought it to my attention that he had spoken to the judge which was Brian M. Gibbons, and that I should ~~deliberately~~ plea to Voluntary manslaughter. I told Delgado at the start of the trial that I was not going to plea to voluntary manslaughter because I did not voluntarily shoot the victim. Even then he acted as though he didn't want to proceed. Now, during this same day Thursday Dec. 13 Delgado and Phillips meet with me during the lunch break. Delgado proceeded to convince me plea. He brought up different reasons as to why I should including that the trial could last until Saturday, that it was an election year for the Solicitors office, and even the fact that my grandmother was about to take the stand. None of these reasons would have swayed the jury to find me guilty or not guilty. At this time I felt like Delgado had given up and stopped working for me. I told him that I didn't want to but that I didn't know what to do.

Delgado said that if he was me listening to him that he would plea. I was confused. I couldn't believe what I was hearing. We never discussed the time I would be serving he more or less was like this is what you got to do, hurry up and do it and don't think about what you about to do. Delgado didn't give me a chance to actually realize what was happening. He made everything seem like it was OK. Delgado couniced me to plea and Judge Gibbons sentenced me to 30 years. I just don't understand how the night before Delgado and Phillips were talking about winning the trial and then out of nowhere Delgado is talking with the judge and making me plea. There was also substancial evidence that was benificial to me that was not presented during the trial. There was my 911 call to the police that I made immediately after the shooting. The police interogation video that clearly showed my physical and mental state of intoxication that was not presented to the jury and I also had two character witnesses for my behalf. I also feel like the trial was rushed from the beginning because everything was put on a different time frame. It was also brought to my attention by bailiff Jeff Gaston who was present during the trial and also the officer who transported me to Kirkland R.C. that he felt like Judge Gibbons was rushing the prosecution and defense to make quick and settle decisions based on a time frame. I also think that Judge Gibbons was being biased against me from the beginning of the trial.

As I stated in the beginning of this letter, I am new to the Judicial System and that this is my first and only

Serious offence. I feel like my attorney should have done more to better represent me. It is my conclusion that John Delgado gave me ineffective counsel along with a botched trial. More evidence should have been presented on my counsel's behalf. Judge Gibbons was biased against me and rushing the trial. I am not a bad man and I didn't even have a criminal record before this. All I'm asking for is a second chance. I didn't commit the crime that my lawyer convinced me to plea to. Could you please take into consideration what I have said? I have done my best to try and explain my arguable reasons for my appeal.

Thank you,

I am Michael Brent Gay
Michael Brent Gay

January 17, 2019

State of South Carolina v. Michael Brent Gay
Writing Due to the Court of Appeals

Appellate Case No: 2018-002262

Proof of Service

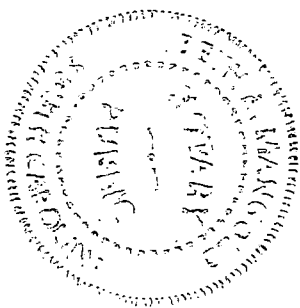
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I certify that I have wrote a written response to the South Carolina Court of Appeals in regards to my explanation of the arguable issues preserved for appeal.

Michael Brent Gay

Michael Brent Gay

1-17-2019



Sworn to and subscribed before me this 17th
day of January, 2019.

Bv

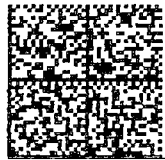
my Commission Expires: _____

BETH A. MANGOLD
Notary Public, State of South Carolina
My Commission Expires 8/10/2028

Michael Brent Gay #378552 A2-07

Mailroom

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