

Supreme Court of South Carolina
Clerk of Court
P.O. Box 11330
Columbia, SC 29211

McIver Feagin
Waterloo Correctional
P.O. Box 189
Rembert, SC 29128

July 2, 2014

RE: Pro Se response to court for Anders Brief

Please find the enclosed Pro Se brief - Anders Brief as directed by Robert Dudek. I ask that you time-stamp this document, and return a copy back to me for my records. Thank you for your assistance in this Pro Se procedural process.

Sincerely,

McIver Feagin, JR.

cc: file

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SC Court of Appeals

Pro Se Anders Brief

July 2, 2014

I formally submit the enclosed argument as my Pro Se response to my revocation of Probation. I respectfully offer and believe without an ounce of doubt or conviction, that the following canon 3 breaches by Judge Russa wrongfully influenced my revocation of probation:

I Canon 3b5 states - The judge shall perform his judicial duties without bias or prejudice. Canon 3 also states - that a judge must perform his duties impartially, and fairly. A judge who manifest bias or partiality on any basis impairs the fairness of the proceedings and brings the judiciary into disrepute.

Subsequently, the following facts validate beyond all doubt that my revocation of probation was influenced by the prejudice and bias against me by Judge Russa. The excessiveness of the (15) year sentence readily proves my claim and position. Hence, it is my belief that my revocation and sentence warrants review and corrective measures.

II Bias - Judge Thomas Russa voiced bias and demonstrated prejudice against me at my plea deal hearing on September 20, 2010. He threatened me with 15 years if I violated my probation, and further threatened me when he stated that he would see to it that he maintained jurisdiction on my case. This bias and prejudice was a result of past associations with Judge Russa, going back to when he was a Solicitor.

Prejudice - My revocation of probation was very weak in content. All but one claim against me were false. And when I attempted to defend the truths, I was not allowed to present evidence and witness testimony to argue my position.

A. I had reported regularly to my probation officer, and I attempted to prove this fact with witness evidence from my boss Linwood Springs; my Pastor Tim Nail; and my girlfriend who accompanied me on many occasions. My efforts were denied by Judge Russa.

B. I tried also to present telephone records to support my position, and Judge Russa denied this evidence as well, due to his bias.

III Disqualification - In 2002, Judge Russa served as Solicitor in a felony case against me that ended with a disposition of non-conviction.

A. I state for the record, that Judge Russa should have disqualified himself due to a history going back to 2002 when he was a Solicitor in my case. Judge Russa has held contempt, bias, and prejudice against me going back to 2002.

B. This bias, prejudice, and contempt is proven beyond all doubt when Judge Russa exacted his revenge by grossly and excessively executing his previously threatened 15 year sentence. The case was very weak from the beginning of the claim, that I violated my probation. Any other judge would have allowed me the opportunity to present both witness testimony and documented evidence at that hearing. However Judge Russa denied me this fair due process opportunity.

C. Judge Russa's error not to disqualify himself when the facts and historical evidence clearly supports my position, was and is grossly unfair and prejudicial. I deserved to have a fair hearing free from bias.

IV The only meritorious factor of revocation was that it was true that I had not paid my fines in a timely fashion. However I had combated unemployment issues due to my record, and I was doing the very best that I could possibly do considering all of facts. But I wasn't afforded a fair opportunity to present the facts. So, it is true that I had not paid my fines. However, sentencing someone to (15) years for unemployment is a horrendous miscarriage of justice. This kind of justice that I rendered could have only been executed by a judge who possessed bias and prejudice against me.

V Summary Resolution:

A. The revocation of probation was stipulated based on a 5 year suspended sentence.

If indeed that I had revoked my probation, then my sentence of 5 years should have been the standard. The 15 years was never a component in my original sentence.

For this reason of fact, it supports my claim of bias and prejudice. Therefore, I respectfully ask the court to ammend the sentence according to the original 5 year sentence.

B. I also request court consideration that due to the bias of Judge Russa coupled with the resulting penalty of his prejudice and partiality, I respectfully request a time-served resolution to reconcile the Canon 3 breaches of conduct by Judge Russa.

Thank you kindly for your sincere, fair, and impartial reading of these enclosed facts. I pray that God will anoint you with pure and honorable vision while restoring equitable jurisprudence concerning this matter.

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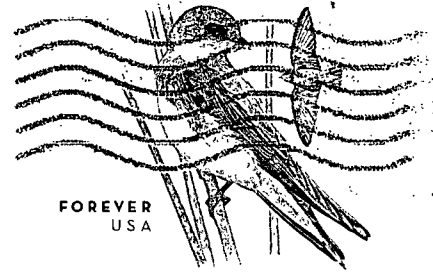
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SC Court of Appeals



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