

State Of South Carolina

In The Court Of Appeals

Appeal From Greenville County

Edward W. Miller, Circuit Court Judge

ADA/Mental Health Resident
Robert Louis Garrett Jr.

Appellant,

vs.

The State Of South Carolina,

Respondent.

Initial Brief Of Appellant

RECEIVED

SEP 11 2019

SC Court of Appeals

ADA/Mental Health Resident
Robert Louis Garrett Jr.

SCDC # 291096

Perry Correctional Institution

Solitary Confinement

RHU, C Dorm, 2nd Wing, Cell 3

430 Oaklawn Road

Pelzer, South Carolina 29669

Earth, Milky Way

US ♡ TOO ♡ MOVEMENT

Pro Se Litigant

Table of Contents

1. Table of Contents	Page 1
2. Table of Authorities	Page 2
3. Statement of Issues On Appeal	Page 3
4. Relevant Facts	Page 4
5. Arguments	Page 5
6. Designation of Matter To Be Included In The Record On Appeal	Page 6
7. Certificate of Service	Page 7

Table Of Authorities

1. The U.S. Constitution
2. The S.C. Constitution
3. The Controlling Case Law For Appointment Of Substitute Counsel
4. The Controlling Case Law For Seeing If A Defendant Is Competent To Stand Trial
5. The Controlling Case Law For Seeing If A Defendant Is Competent To Represent Himself At A Trial/Hearing
6. The Controlling Case Law For A Defendant Who Is An ADA/Mental Health Resident Of SCDC And Is Enrolled In A Mental Health Program At The Time Of A Trial And/OR Hearing
7. Appellant Is Currently Unable To State The Exact "Authorities" Because He Is Being Denied Access To A Westlaw Computer As Retaliation For Appellant Filing 1983/ADA Civil Complaints Against Perry CI Staff

Statement of Issues On Appeal

1. Did Judge Miller abuse His discretion by NOT appointing Appellant counsel to represent Him?
2. Did Judge Miller abuse His discretion by NOT filing AN Order for Appellant to undergo a Mental Competency Test to see if Appellant was competent to stand trial?
3. Did Judge Miller abuse His discretion by not filing AN Order for Appellant to undergo a Mental Competency Test to see if Appellant was competent to represent Himself at trial?
4. Did Judge Miller abuse His discretion by not allowing Appellant to get all of His legal files and prepare to represent Himself?
5. Did Judge Miller abuse His discretion by NOT appointing Appellant Substitute/Standby Counsel to assist Appellant?
6. Did Judge Miller abuse His discretion by finding Appellant guilty of contempt of court when Appellant was AN ADA/Mental Health Resident enrolled in a Mental Health Program?
7. Did Judge Miller abuse His discretion by finding Appellant guilty of contempt of court when Appellant was AN ADA/Mental Health Resident diagnosed with Intermediate Explosive Disorder, Psychotic Disorder, PTSD, Unspecified Mood Disorder, and other mental illnesses?

Relevant Facts

ON 13 April 2015 Appellant WAS Ambushed by five Lee CI Correctional Officers, and was seriously assaulted. ON 5 May 2015 Appellant was transferred to Perry CI, and between 9 May 2015 through June 2015 Appellant WAS sadistically/maliciously assaulted by Perry CI Correctional Officers and WAS sprayed with large quantities of chemical munitions. SCDC's Office of Inspector General Police Services DID NOT do a thorough investigation into the said incidents, and Judge Michael Baxley pointed out in his 8 January 2014 Order that SCDC and its said Office had a habit of NOT properly investigating such incidents.
Exhibit 1A

Appellant filed sexual harassment charges against Randall Fowler Jr. in June 2015, and because Captain Wantonta Golden and Captain Lasley DID NOT follow the protocols/guidelines for when sexual harassment charges are filed. ON 20 June 2015 Appellant was sexually/physically assaulted by Fowler and others during a Retaliatory Assault. Appellant filed SCDC Grievances and SCDC RTSM's about the sexual harassment and sexual assault, but former Agent Donald Lawe DID NOT INCLUDE ANY OF THIS IN HIS REPORTS.

Appellant advised both of his court appointed counsels that Lawe did NOT do even an elementary investigation into this matter, but BOTH counsels refused to bring this fact to the attention of Solicitor Leigh Paoletti. It was this reason that Appellant notified the Office of Disciplinary Counsel about both counsels' conduct.

Appellant is an ADA/Mental Health Resident of SCDC, and from June 2017 through August 2018 He was enrolled in a Mental Health Program called the Lower Level Behavior Management Unit. Appellant has been diagnosed with having "Co-Occurring Mental Illnesses/Disorders," and He was not competent to stand trial or represent himself at a trial/hearing. Lawe filed a criminal charge against Appellant without having done even an elementary investigation into this matter, and it's obvious that the said charge was retaliatory in nature for Appellant begging for sexual assault counseling/therapy after being sexually/physically assaulted by SCDC STAFF. Paoletti dismissed the charge because she knew that she would lose at trial.

Arguments

1. Judge Miller abused His discretion by not appointing Appellant counsel to represent Him because Appellant was an ADA/Mental Health Resident of SCDC who was enrolled in a Mental Health Program (LLBMU).
2. Judge Miller abused His discretion by not filing an Order for Appellant to undergo a Mental Competency Test to see if Appellant was competent to stand trial.
3. Judge Miller abused His discretion by not filing an Order for Appellant to undergo a Mental Competency Test to see if Appellant was competent to represent Himself at trial. Appellant is an ADA/Mental Health Resident of SCDC who was enrolled in a Mental Health Program (LLBMU) at the time of the 3 October 2015 Hearing where Miller tried to force Appellant to represent Himself.
4. Judge Miller abused His discretion by not allowing Appellant to go back to His prison, get all of His legal files and prepare to try to represent Himself. Judge Miller was wrong for trying to force Appellant to represent Himself.
5. Judge Miller abused His discretion by not appointing Appellant standby/substitute counsel to assist Him. Miller caused Appellant to believe that He would have to represent Himself and He wouldn't be appointed standby/substitute counsel when He was OBLIGATED BY LAW to appoint Appellant standby/substitute counsel to assist Him.
6. Judge Miller abused His discretion by finding Appellant guilty of contempt of court because He erroneously led Appellant to believe that He would have to represent Himself without a standby/substitute counsel to assist Him.
7. Judge Miller abused His discretion by finding Appellant guilty of contempt of court because Appellant is an ADA/Mental Health Resident of SCDC who's been diagnosed to have Co-Occurring Mental Illnesses/Disorders, and was enrolled in a Mental Health Program.

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

1. Appellant's SCDC Grievance File & SCDC RTSM Files from March 2015 through May 2018
2. All of the correspondence between Appellant and Larry Cooke / Carlyle Steele
3. All of the correspondence between Appellant and the Office of Disciplinary Counsel about Larry Cooke and Carlyle Steele
4. Judge Michael Baxley's 8 January 2014 Order Granting Judgment in Favor of Plaintiffs; T.R., et al. vs. SCDC, et al. CIA No. 2005-CP-40-2925
5. All of the correspondence between Appellant and Judge Verdin / Greenville County Clerk of Court
6. Transcripts of 14 June 2015 and 3 Oct. 2015 Hearings before Judge Edward W. Miller
7. Appellant's SCDC Mental Health Records and SCDC Medical Records

and substantial. The Court finds Mr. Martin's testimony, and the bases for his opinions, to be credible.

The Court is concerned by the absence of referrals for investigation of the cases presented by Mr. Martin, and the absence of findings by senior SCDC managers that those cases raise serious questions about the application of force against mentally ill inmates. The Court finds that such excessive uses of force have been largely unreported, uninvestigated, and unmanaged. The Court further finds that Plaintiffs have proven a pattern and practice of the use of unnecessary and excessive force.

c. Limited involvement of psychiatrists

JB
21

A substantial contributing factor to the lack of an effective treatment program is the limited involvement of psychiatrists in creating and administering treatment plans for mentally ill inmates. Psychiatrists at SCDC have no administrative or policy-making duties, and there is evidence that they do not attend meetings to create and develop treatment plans for inmates. The Court finds that psychiatrists, as the lead mental health professionals in the mental health program, must be more directly involved in creating and developing treatment plans. Furthermore, deposition testimony of some psychiatrists reveals an alarming lack of knowledge of policies and procedures at SCDC, the levels of care and criteria for referral to a particular level of care, and the role of the counselor in the mental illness treatment process. For example, SCDC psychiatrist Dr. Poiletman did not know what the terms SMU and CI stood for – meaning Special Management Unit and Crisis Intervention – terms inextricably tied to mentally ill inmates at SCDC. He did not know the difference between Area Mental Health patients and outpatients, did not know what mental health counselors do, and had “no idea” who develops treatment plans. Likewise, Dr. Crawford, the principal psychiatrist at Graham,

describe the distinction between an Intermediate Care Services patient and an Area Mental Health Patient. She did not review treatment plans and did not start attending treatment team meetings until after her deposition. Dr. Woolery, the principal psychiatrist at Lee, was unfamiliar with treatment plans, did not know whether any of her patients were in Lee Supermax, and had never seen Lee Supermax herself. The Court finds these examples both illuminating and disturbing. For psychiatrists and other mental health staff at SCDC to provide effective services, they must have a more intimate knowledge of the processes and procedures vital to the mental health services system they are expected to direct.

d. Limited access to higher levels of care

Finally, SCDC's treatment program fails to provide mentally ill inmates with sufficient access to higher levels of care. All correctional mental health systems are organized by levels of care, and SCDC's system comprises four levels. From lowest to highest, these are outpatient, area, intermediate (ICS), and inpatient. The higher the level, the more services and staffing are required.

Job
22

SCDC's Mental Health Director, Pamela Whitley, estimated that in 2008 the combined ICS and Area Mental Health caseload at SCDC was 515. In 2012, however, the combined ICS and area caseload was only 310, a 40 percent reduction. In February 2008, at Lee and Lieber combined there were 212 area and 211 outpatient mental health inmates, a 50/50 split. By September 2011, however, there were only 83 area inmates at Lee and Lieber (14.8 percent), while the outpatients numbered 478 (85.2 percent). From 2003 to 2011, male ICS inmates decreased from 315 to 135. The women's ICS program was discontinued, then revived, but at the time of trial consisted of only five inmates. In the 1990s Gilliam, the 88-bed inpatient facility for male inmates, operated at full capacity, but at the time of trial only 47

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

COURT OF GENERAL SESSIONS
2015-GS-23-10210

STATE OF SOUTH CAROLINA,)

vs.)

ROBERT LOUIS GARRETT, JR.,)
DEFENDANT.)

TRANSCRIPT OF RECORD

ORIGINAL

October 3, 2017
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, JUDGE.

A P P E A R A N C E S:

LEIGH B. PAOLETTI, ESQ.
Assistant Solicitor

C. CARLYLE STEELE, ESQ.
Attorney for the Defendant

HOLLIE M. JENKINS
Circuit Court Reporter

I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits introduced.)

P R O C E E D I N G S

1
2 THE COURT: All right. Yes, sir, Mr. Steele.

3 MR. STEELE: May it please the Court.

4 As Your Honor can see from the file, I filed a motion
5 to be relieved as counsel last Wednesday or Thursday. And
6 I did not do that lightly.

7 Mr. Garrett and I had had some differences about
8 trial strategy. And he had filed his own motion to
9 relieve me a couple weeks ago. But I -- I didn't do
10 anything. Because I assumed that I was supposed to stay
11 on the case notwithstanding that.

12 But then on Wednesday of last week, I received a
13 letter from the Office of Disciplinary Counsel of the
14 Supreme Court of South Carolina. And that letter starts
15 off saying, We have received information indicating
16 possible professional misconduct on your part. And it
17 goes on to say a couple paragraphs down, You are required
18 to file a written response with this office within 15 days
19 of the date of this letter. Your written response must
20 address separately and with specificity --

21 THE COURT: Well, Mr. Steele, you don't need to
22 read --

23 MR. STEELE: Yeah. But, anyway, it goes into all the
24 things that I may have done wrong. And since I'm having
25 to confront that, I decided it was time for me to file a

1 motion to be relieved. And I did.

2 And so I'm asking the Court to relieve me of
3 Mr. Garrett's case.

4 THE COURT: All right. Mr. Garrett, anything you'd
5 like to tell me?

6 DEFENDANT GARRETT: No, sir.

7 THE COURT: Please stand when you address the Court.

8 DEFENDANT GARRETT: No, sir.

9 THE COURT: Well, you filed your own motion.

10 DEFENDANT GARRETT: I think I -- yes, sir. I filed
11 it with Ms. Verdin.

12 THE COURT: You filed it with the Clerk of Court.

13 DEFENDANT GARRETT: Yes, yes, sir.

14 THE COURT: Okay. Anything you want to tell me with
15 respect to your motion?

16 DEFENDANT GARRETT: No, sir. Mr. Steele said pretty
17 much all there is.

18 THE COURT: Well, I will point out that on June 14th
19 of this year, I signed an order relieving Mr. Larry Cooke
20 as your attorney. And I ordered the Office of Indigent
21 Defense to appoint another attorney.

22 You were informed, at that time, on the record that
23 you will not be appointed any more attorneys. And if
24 you're dissatisfied with your new lawyer, you will
25 represent yourself. And then I ordered that the case not

1 be tried for 45 days. All that has come to pass.

2 I, also, noted in the record that it was -- you had
3 refused twice to transport to attend the jury trial. I
4 informed you, at that time, that if you refused transport
5 in the future, you'd be tried in your absence.

6 So you understand that we're going forward with the
7 trial. I'm going to grant Mr. Steele's request and your
8 request. And you are going to represent yourself in this
9 trial.

10 DEFENDANT GARRETT: Can I speak?

11 THE COURT: I'm sorry.

12 DEFENDANT GARRETT: Can I speak?

13 THE COURT: Yes, sir.

14 MR. STEELE: May I withdraw, Your Honor?

15 THE COURT: Yes, sir.

16 Thank you very much for your service, Mr. Steele.

17 MR. STEELE: Thank you, Your Honor.

18 (WHEREUPON, Mr. Carlyle Steele exited the courtroom.)

19 DEFENDANT GARRETT: One of my main issues --

20 If somebody will give this to Your Honor.

21 THE COURT: Speak up. I can't hear you.

22 DEFENDANT GARRETT: I said one of my main issues is
23 what's on the back of this paper right here.

24 THE COURT: Well, just tell me what it is.

25 DEFENDANT GARRETT: As I pointed out, I sent the

RECEIVED
SEP 11 2019
SC Court of Appeals

1 letter to Ms. -- to the solicitor's office as well.
2 There's a bunch of evidence missing. The -- the Solicitor
3 is relying on the evidence that was given to her from a
4 former SCDC employee, a former agent, Donald Lane. And
5 he, pretty much, suppressed all the evidence for this
6 case, Your Honor. He didn't -- the -- the whole
7 [inaudible] file for this case wasn't given to the
8 solicitor's office. The -- all the incidents that
9 happened leading up to this incident wasn't given to the
10 solicitor's office.

11 The -- pretty much, the reason why these people did
12 what they did to me was a sexual harassment thing that I
13 put against one of the officers before this incident even
14 happened. It wasn't given to the solicitor's office.

15 And I -- if you'll see, I've repeatedly asked for
16 this evidence to be discovered by Mr. Steele. And I asked
17 for it to be given to Mr. Steele and Mr. Cooke. And they
18 wouldn't do it.

19 And I asked Mr. Steele to request a Grand Jury
20 impanelment to document, so I can make sure that the
21 indictment for this case was legal and sufficient. And he
22 wouldn't do that. That's one of the things that I pointed
23 out to -- to the Office of Disciplinary Counsel.

24 THE COURT: All right. Well, we've got a jury
25 downstairs. And we're going to go ahead and select a

1 jury. And you'll be allowed to present whatever evidence
2 it is that you want to present.

3 DEFENDANT GARRETT: I didn't even bring all my stuff,
4 Your Honor. I had no clue that --

5 THE COURT: You had no clue --

6 DEFENDANT GARRETT: -- I was going to have to
7 represent myself here.

8 THE COURT: Oh, yes, you did. You were put on notice
9 in June.

10 DEFENDANT GARRETT: Your Honor, for -- for me to you,
11 I don't have a problem with my attorney. If you'll -- if
12 you'll --

13 THE COURT: You don't have a problem. You don't have
14 an attorney. He's been relieved at your request.

15 DEFENDANT GARRETT: The attorney I've been
16 appointed -- and I think I -- I copied Ms. -- I think
17 that's Ms. Paoletti in these. If you'll take the time to
18 review. And I would like to make this a part so you can
19 see that I haven't been attacking my attorneys.

20 My -- the only problem that I had with my attorneys
21 is the sufficiency of the indictment for this case and the
22 discoverable evidence that's material to my defense, Your
23 Honor. That's the only thing I've been requesting from my
24 attorneys. And they wouldn't -- they wouldn't get it.

25 THE COURT: Ms. Paoletti, did they request discovery

1 in this case?

2 MS. PAOLETTI: Yes, sir, Your Honor.

3 THE COURT: Have you provided all the discovery?

4 MS. PAOLETTI: Yes, sir.

5 THE COURT: Okay. Well, we're going to -- we're
6 going to pick a jury.

7 Okay. Anything before we bring a jury panel up here
8 to select?

9 MS. PAOLETTI: Not from the State, Your Honor.

10 THE COURT: Are you ready to pick a jury?

11 DEFENDANT GARRETT: I have no clue what to do. I'm a
12 mental health patient and part -- part of the Low Level
13 Behavioral Management Unit. So I -- I have no clue what
14 to do.

15 THE COURT: Well, what's the charge that we're
16 looking at?

17 MS. PAOLETTI: Your Honor, it's filing a false police
18 report of a felony.

19 THE COURT: And what was it?

20 MS. PAOLETTI: Your Honor, the Defendant was forcibly
21 extracted from his cell. That incident was recorded on
22 video. And then about a day, day and a half after that
23 incident, this Defendant reported on an inmate hotline
24 that he'd been sexually assaulted during that cell
25 extraction.

1 And as a result of that report on the -- the hotline,
2 Your Honor, the federal statute Prison Rape Elimination
3 Act is invoked by the Department of Corrections requiring
4 a full investigation by Agent Lane, who's now retired.
5 The Defendant was transported to Greenville Memorial
6 Hospital where he was treated for the disclosed sexual
7 assault.

8 Your Honor, the investigation revealed, specifically,
9 by just watching the video of the incident, there's no
10 video evidence of any sexual assault. And, in fact, the
11 Defendant is on the video saying things like, I'm glad
12 y'all did not just sexually assault me at that time.

13 Your Honor, it's just become a matter of principle
14 with the Department of Corrections. They've asked us to
15 go forward with this case understanding the Defendant's
16 still serving a significant sentence from today. I think
17 he has about nine years left on his sentence.

18 THE COURT: What does this charge care?

19 MS. PAOLETTI: It carries 10 years, Your Honor.

20 And, Your Honor, the -- the recommendation was -- has
21 always been for some form of concurrent time -- or
22 consecutive time in the Court's discretion. The State has
23 never asked for any specific amount of time. Obviously, a
24 concurrent sentence --

25 THE COURT: Okay. I -- what do you want to do? Do

1 you want to go to trial?

2 That's where you are. We're going to trial. You can
3 get a jury --

4 DEFENDANT GARRETT: Your Honor --

5 THE COURT: -- or you can do a bench trial, or you
6 can enter a guilty plea. It's up to you.

7 What do you want to do?

8 DEFENDANT GARRETT: Can I -- can I respond to what
9 Ms. Paoletti said, sir?

10 THE COURT: What do you want to respond to?

11 DEFENDANT GARRETT: She -- one of the first things
12 she said is that after this incident happened that I --
13 the first mention that SCDC found out about this was me
14 calling. That -- that's not true, Your Honor. I -- I
15 filed --

16 THE COURT: Okay. Well, that's all factual about the
17 case. I wanted to know what their allegations were.

18 Okay. You're going to get an opportunity to present
19 any defense that you have. You can cross-examine
20 witnesses. But we're going forward with the case.

21 So I'm asking you, do you want to do a jury trial?
22 Do you want to do a bench trial just in front of me? Or
23 do you want to enter a guilty plea? Those are your three
24 options at this time.

25 What would you prefer to do?

1 DEFENDANT GARRETT: I would like to be appointed
2 another attorney, Your Honor --

3 THE COURT: No, sir. You were given an order in June
4 of this year. You have had two experienced, excellent
5 criminal defense lawyers. And I'm not -- we're not doing
6 it again. You were warned about it and --

7 DEFENDANT GARRETT: Your Honor, this -- from me to
8 you, it wasn't my fault that my attorneys don't want to
9 file -- didn't want to file for -- to get the Grand Jury
10 impanelment indictment, and didn't want to file to get the
11 rest of the discovery for this case.

12 This case is about SCDC employees. When I got -- I
13 was on the ground like she --

14 THE COURT: Look, I'm not -- you're -- you're going
15 to get a chance --

16 DEFENDANT GARRETT: This is what they did to me, Your
17 Honor. This is what they did right here.

18 THE COURTROOM DEPUTY: Get up --

19 DEFENDANT GARRETT: This is what they did right
20 here --

21 THE COURT: Get up --

22 THE COURTROOM DEPUTY: Get up --

23 DEFENDANT GARRETT: All the video shows is them -- a
24 bunch of people on top of me --

25 THE COURT: Get up --

1 DEFENDANT GARRETT: -- and you can't see that they
2 did this to me.

3 THE COURT: Get up --

4 DEFENDANT GARRETT: That's what they did, sir --

5 THE COURT: Get up now --

6 DEFENDANT GARRETT: I wanted to show you what they
7 did to me, sir.

8 THE COURT: You're going to get an opportunity to
9 explain anything you want to in a trial.

10 Now, I'm asking you, do you want a jury trial, a
11 bench trial in front of me, or a guilty plea?

12 DEFENDANT GARRETT: If you're saying that I'm going
13 to have to represent myself, sir, on the record, I would
14 like to say that I'm -- I'm a mental health patient. And
15 I request that you, at least, give me some time to prepare
16 to represent myself. Because I had no clue that I was
17 going to have to represent myself today.

18 THE COURT: Yes, you did. You filed the motion to
19 have the defense lawyer relieved. You were told in
20 June --

21 DEFENDANT GARRETT: I --

22 THE COURT: -- that this case would proceed with or
23 without a lawyer, and whether you showed up or not.

24 DEFENDANT GARRETT: I showed -- as you can see, I
25 showed up. I didn't have a problem with Mr. Steele. My

1 only problem with Mr. Steele was he did not want to file
2 for additional discovery.

3 If you see this, Your --

4 THE COURT: Well, you, obviously, had --

5 DEFENDANT GARRETT: -- Honor --

6 THE COURT: -- more problem than that with Mr. Steele
7 because you filed a grievance against him with the Office
8 of Disciplinary Counsel. You --

9 DEFENDANT GARRETT: I had the --

10 THE COURT: -- filed a motion to have him relieved.
11 And he is one of the most caring, forgiving defense
12 lawyers in the bar.

13 DEFENDANT GARRETT: Are you saying with Mr. Steele?

14 THE COURT: Yes.

15 And Mr. Cooke is one of the most experienced lawyers
16 in the bar.

17 DEFENDANT GARRETT: Not in front of the jury. I can
18 tell you what I told the Office of Disciplinary Counsel,
19 Your Honor.

20 THE COURT: I -- I don't care to hear it. But you
21 tell me you don't have a problem and you file --

22 DEFENDANT GARRETT: My only --

23 THE COURT: -- a grievance against a lawyer. You
24 filed a motion to relieve him --

25 DEFENDANT GARRETT: My only grievance --

1 THE COURT: -- that's a problem.

2 DEFENDANT GARRETT: -- is these two things, Your
3 Honor. As you can see, they filed it. My only two
4 grievances was I asked him to --

5 THE COURT: I -- I don't care about your grievances.
6 They've been -- you filed a motion to have them relieved.
7 And it's been done. And you were given an order --

8 DEFENDANT GARRETT: If I --

9 THE COURT: -- in June. So --

10 DEFENDANT GARRETT: When I -- when I request for my
11 attorney to ask for the Grand Jury impanelment document so
12 I can make sure the indictment for this case is sufficient
13 and legal, that -- the court -- the rules of court say
14 that I'm supposed to go to my attorney. If he won't do
15 it, I'm supposed to go to the Court. That's what I did.
16 If the rules of court --

17 THE COURT: Okay. You've said that now three times.
18 I understand what your claim is. But we're -- I'm asking
19 you now, do you want a jury? Do you want a bench trial?
20 Or do you want to plead guilty?

21 DEFENDANT GARRETT: I'm -- I'm telling you if you're
22 going to proceed -- if you're going to force me to go, I'm
23 asking for additional time to prepare. Because I had no
24 idea that I was --

25 THE COURT: That motion is denied. You were given

1 notice in June that you would proceed with or without a
2 lawyer.

3 DEFENDANT GARRETT: And I need my stuff. I didn't
4 know -- my -- my attorney told me that I was about to --
5 they was about to do something with this motion to be
6 relieved as counsel.

7 Can I be appointed some -- what do you call them? --
8 like, a -- when you have to appoint -- represent yourself,
9 like, a counsel to help you, or something.

10 THE COURT: No.

11 Do you want a jury trial, a bench trial, or do you
12 want to plead guilty?

13 DEFENDANT GARRETT: I can't be appointed somebody to
14 assist me? What do you call it?

15 THE COURT: Mr. Garrett, I have now told you about
16 five times. I'm not going to tell you again --

17 DEFENDANT GARRETT: I've never --

18 THE COURT: -- you were given a copy of the order --

19 DEFENDANT GARRETT: -- represented --

20 THE COURT: If you interrupt me again, I'm going to
21 find you in contempt of court.

22 You were given a copy of the order in June, which
23 explained that you --

24 DEFENDANT GARRETT: I --

25 THE COURT: You interrupted me. I'm going to hold

1 you in contempt of court and give you 90 days consecutive.

2 Okay. Do you want a jury trial? Or do you want a
3 guilty plea? Or do you want a bench trial?

4 That's -- I've asked you that question now about five
5 times. You've not answered me.

6 DEFENDANT GARRETT: I said a jury trial, Your Honor.

7 THE COURT: Okay.

8 DEFENDANT GARRETT: I said a jury trial each time,
9 sir.

10 THE COURT: No, you did not.

11 Do we have a list?

12 THE CLERK: She'll -- she'll send it up.

13 THE COURT: Okay. Yeah. What?

14 MS. PAOLETTI: I -- I'm sorry, Your Honor. I was
15 speaking to Agent Lane. Are we picking a jury?

16 THE COURT: I'm going to bring a jury up here. If
17 you -- is that what you want to do?

18 I've already held him in contempt. I'm giving him 90
19 days consecutive.

20 MS. PAOLETTI: No, Your Honor.

21 At this point, the State's willing to dismiss the
22 pending charge.

23 THE COURT: Okay.

24 MS. PAOLETTI: And, Your Honor, if I can say, for the
25 record, it's not based on any of the -- the facts of the

1 case or any other reason that the -- the reason for
2 prosecuting this case has been accomplished. We're not
3 going to waste any more time.

4 THE COURT: Well, I'm going to ask you to prepare an
5 order.

6 MS. PAOLETTI: Yes, sir.

7 THE COURT: I find him in contempt because he has
8 interrupted me repeatedly, refused to answer my questions.

9 MS. PAOLETTI: And, Your Honor, if you'll give me one
10 more second to consult --

11 THE COURT: He got down on the floor when I told him
12 not to do it.

13 Okay. Yes. What?

14 MS. PAOLETTI: Yes, sir, Your Honor.

15 If you'll just give me one more second to consult
16 with Agent Lane about that.

17 THE COURT: Okay.

18 (Pause.)

19 DEFENDANT GARRETT: Can I address the Court, Your
20 Honor?

21 (WHEREUPON, there was no response.)

22 DEFENDANT GARRETT: Can I address the Court, Your
23 Honor?

24 THE COURT: Yes. What?

25 DEFENDANT GARRETT: I didn't mean no disrespect.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: Well, what's done is done.

MS. PAOLETTI: I'll prepare an order, Your Honor.

THE COURT: All right. Thank you.

*****END OF TRANSCRIPT OF RECORD*****

State of South Carolina
IN THE COURT OF APPEALS

RECEIVED

SEP 11-2019

Appeal From Greenville County

SC Court of Appeals

Edward W. Miller, Circuit Court Judge

ADA/Mental Health Resident
Robert Louis Garrett Jr.,

Appellant,

vs.

The State of South Carolina,

Respondent.

Certificate of Service

I, ADA/Mental Health Resident Robert Louis Garrett Jr., do hereby certify that I have served My Initial Brief Of Appellant and My Motion For Appointment of Outside Counsel on the Respondents at the below address. I also certify that the Designation contains no matter which is irrelevant to this Appeal. I placed these Pleading into the Perry CJ C. Dorn Mail Dropbox on 5 September 2019 at approximately 11:30 PM.

Attorney General Alan McCrory Wilson
Ass. Atty. Gen. William M. Bitch Jr.
South Carolina Attorney General Office
Post Office Box 11549
Columbia, South Carolina 29211

Signed: ADA/Mental Health Resident
Robert Louis Garrett Jr.
ADA/Mental Health Resident
Robert Louis Garrett Jr.

ADA/Mental Health Resident
Robert Louis GAYNETT Jr.
SCDC # 291096
Perry Correctional Institution
RHU, C-Dorm, 2-Wing, Cell 3
430 OAKLAWN ROAD
Pelzer, South Carolina 29669

RECEIVED

SEP 11 2019

SC Court of Appeals

RECEIVED

SEP 06 2019

P.C.I. MAILROOM

LEGAL MAIL

To: Deputy Clerk V. Claire Allen
South Carolina Court of Appeals
Post Office Box 17629
Columbia, South Carolina 29211

ADA/Mental Health Resident
Robert Louis Garvett Jr.
SCDC # 291096

Petty Correctional Institution
RHU, C-DOYM, 2-WING, Cell 3
430 OAKLAWN ROAD
Pelzer, South Carolina 29669

RECEIVED
SEP 11 2019
SC Court of Appeals

RECEIVED
SEP 08 2019
P.C.I. MAILROOM

75:
Deputy Clerk V. Claire Allen
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

LEGAL MAIL