

LAW OFFICES OF CHARLES W. WHITEN, JR., P.A.
P.O. BOX 716
ANDERSON, SOUTH CAROLINA
29622

Charles W. Whiten, Jr.

215 East Benson Street
Phone: 864-617-9693
Fax: 864-642-4351
E-Mail: cwhiten2000@gmail.com

January 27, 2020

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JAN 30 2020

SC Court of Appeals

The South Carolina Commission on Indigent Defense
PO Box 11433
Columbia, SC 29211-1433

Re: The State v. Kelvin L. Merriweather
Appellant Case No.: 2020-000065

Dear Sir or Madam:

I served as Defense Counsel on the case in General Sessions Court for Kelvin L. Merriweather. Because of his psychotic episodes while incarcerated in the Anderson County Detention Center, I moved for an evaluation of his mental condition.

The State of South Carolina Department of Mental Health evaluated Kelvin and found that he was not competent to assist himself or his attorney (me) in court. They recommended that he be hospitalized in the Forensic Division of the Department of Mental Health for sixty (60) days in an attempt to restore his competency to stand trial. The Forensic Division of the Department of Mental Health returned a report sixty (60) days later that Kelvin was now able to appear for his plea. I disagreed then and I disagree now. His condition was not much changed. In fact, the hearing during his plea, had to be stopped when Kelvin asked "What am I pleading to?" after the solicitor read the charges to the judge.

Kelvin remains mentally unable to understand court proceedings or to assist in his own defense.

Kelvin is presently at the processing center. He is indigent and my representation of him is completed.

Please accept this case for appeal and, if possible determine his ability to understand what is happening to him. Mentally impaired defendants, such as Kelvin, should not be imprisoned. In my opinion, he will not survive the sentence he was given.

The court reporter for his plea and sentencing was Diane L. Marcengill,
(dmarcengill@sccourts.org) P.O. Box 1175, Walhalla, SC 29691.

In addition to the short trial transcript, the court documents reflect his mental evaluation process.

Please advise if I can be of any help with this appeal.

Thank you for your courtesies.

Sincerely,



Charles W. Whiten, Jr.

Attorney at Law

CWW/crw

cc: V. Claire Allen, Chief Deputy Clerk
Robert Michael Dudek, Esquire
Lauren Davis Price, Esquire
William M. Blich, Jr. Esquire
Alan McCrory Wilson, Esquire

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Post Office Box 716
Anderson, South Carolina 29622

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The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
Attn: V. Claire Allen
Chief Deputy Clerk

29211-162929

