

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Jul 02 2020

SC Court of Appeals

Appeal from Aiken County

Honorable J. Cordell Maddox, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL ALEXANDER COLLINS,

APPELLANT.

APPELLATE CASE NO. 2018-002027

SUPPLEMENTAL RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

TRANSCRIPT OF HEARING HELD JUNE 12, 2018.....1

 MOTION TO RELIEVE COUNSEL5

 COURT’S RULING14

State of South Carolina) In the Court of General Sessions
) Second Judicial Circuit
 County of Aiken) 2017-GS-02-01425
) 2017-GS-02-01426
) 2017-GS-02-01427
) 2017-GS-02-01429

State of South Carolina,)
)
 vs.) Transcript of Record
)
 Michael Alexander Collins,)
)
 Defendant.)
 _____)

June 12, 2018
 Aiken, South Carolina

B E F O R E:

The Honorable William P. Keesley, Judge

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

Ashley A. Hammack, Assistant Solicitor
 Attorney for State of South Carolina

Everett K. Chandler, Esquire
 Attorney for Defendant

Maryann S. Nevers, CVR-M-CM, RVR, RVR-M
 Circuit Court Reporter
 Certified Verbatim Reporter - Master
 Certificate of Merit
 Realtime Verbatim Reporter-Master

I N D E X

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

Proceedings 4
Certificate Page. 15

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

TRANSCRIPT OF RECORD

(Whereupon, the proceeding commenced at 10:36 a.m.)

CLERK OF COURT: Mr. Collins, step over here, please.

(Whereupon, the defendant came forward.)

CLERK OF COURT: Place your left hand on the bible and raise your right hand.

THE DEFENDANT: Cannot do that.

CLERK OF COURT: Your Honor, he declines to be sworn.

THE COURT: He doesn't have to put his hand on the bible. What's he refusing to do?

What are you ---

THE DEFENDANT: Well, sir ---

THE COURT: --- refusing to do?

THE DEFENDANT: Well, the bible tells me not to put my hand on it, so I'm not going to put my hand on it.

THE COURT: Okay.

THE DEFENDANT: Chapter James 5 tells me not to.

THE COURT: But you'll be sworn otherwise?

THE DEFENDANT: I can do affirmation.

THE COURT: Okay. So you affirm to tell the truth, the whole truth, nothing but the truth?

THE DEFENDANT: Yes, sir.

THE COURT: All right. Thank you.

DEPUTY CLERK OF COURT: Thank you, Your Honor.

THE COURT: What is this?

1 MS. HAMMACK: Your Honor, before you is Michael
2 Collins. He's charged in the following indictments: 2017-
3 GS-02-01425 with criminal sexual conduct with a minor,
4 first-degree; -01426 with criminal sexual conduct with a
5 minor, third-degree; -1427 with criminal sexual conduct
6 with a minor, third-degree; and -1429 with criminal sexual
7 conduct with a minor, first-degree.

8 He's before you now on defendant's motion to relieve
9 counsel. Currently, Everett Chandler of the Aiken County
10 Bar is his attorney. He had previous counsel who was
11 relieved on August 10th of 2017.

12 THE COURT: You're appointed, Mr. Chandler?

13 MR. CHANDLER: Yes, Your Honor.

14 THE COURT: You're appointed?

15 Okay. But what's the -- what's the problem with your
16 attorney representing you, Mr. Collins?

17 THE DEFENDANT: Well, the problem is every time I ask
18 him to do something, he doesn't do it. As of yet, nothing
19 has been done. He says he's going do something; he never
20 does it. He doesn't come to see me.

21 Every time I write him a letter, he never responds to
22 me. When he does come to see me, he lies to me. He said
23 several times that he was going to go talk to the
24 solicitor. Every time he comes, it's like he don't even
25 know my name.

1 He never talks to the solicitor. He said he's going
2 to work out a deal. He never works out a deal. Every time
3 I ask him to file certain motions, he never files the
4 motions.

5 There's several other things I've brought to his
6 attention, such as criminal activity that is taking place
7 inside the jail against me from the deputies, certain
8 crimes taking place. I asked him if he can notify proper
9 authorities. He has not yet to do it. I have no access to
10 notify the proper authorities.

11 My mail is being hindered. There's a lot of -- lot of
12 things happening with my mail. I cannot contact him
13 through the phone or through the mail because it -- the
14 jail is stealing my legal mail. And they're also reading
15 it.

16 So I'm left with no choice but to go ahead and relieve
17 him because I need certain motions filed that I cannot file
18 because he's not filing them for me and not signing them.
19 I can't file them myself unless I'm pro se or if I have his
20 signature. He's not doing it for me.

21 THE COURT: Mr. Chandler?

22 MR. CHANDLER: Your Honor, we were appointed in
23 September of last year. I've met my client a number of
24 times. On -- on -- on each visit we spend a considerable
25 amount of time, number one, discussing his medical issues

1 -- he -- he did have some medical issues, initially -- his
2 complaints against the jail and constitutional issues that
3 he specifically raised that are not directly related to his
4 -- the representation or the facts of his criminal case.

5 More specifically, with the motions, he has asked me
6 to raise both a motion for directed verdict and a motion
7 for summary judgment, both of which are -- are -- or at
8 least one of which is not timely. And I've explained that
9 to him, Your Honor.

10 With respect to motions of discovery, I've -- I've got
11 -- I've filed a motion and went over every page of his
12 motion. I have -- we have -- he has given me authority to
13 reach out to the solicitor with a -- a plea negotiation. I
14 have -- and I have, as I promised. And the solicitor has
15 been seriously considering it.

16 The -- and I've basically expressed that to my client.
17 Our initial negotiation was quite ambitious. And I think
18 we are quite close to resolving the matter, Your Honor.

19 And -- but with -- with respect to the specific
20 complaints, he also had some -- he has a family court
21 matter that is parallel to this as well. He has now had
22 that attorney relieved. And I believe that he had raised
23 at least the issue of questioning my ability, his family
24 court attorney's ability to represent him with respect to
25 some constitutional issues that apparently we have a

1 monopoly on the practice of law and he ought to be able to
2 practice law himself.

3 He has asked me to ask for the Court's license to
4 practice law, as well as the prosecutor's license to
5 practice law to show the qualifications in order to
6 participate in these criminal proceedings.

7 THE COURT: All right. Do you have anything else to
8 say?

9 THE DEFENDANT: Yes. I just remembered. I also asked
10 for my -- a copy of my mental evaluation, which he does not
11 have. We were supposed to go over something that was on my
12 cell phone as well. He never brought to -- to me. I have
13 never seen the video that he said he was going to show me.
14 He never brought it up to me.

15 There's countless other things that he's never done
16 that he's promised me. I -- I don't even know anything
17 about my case, except for what he showed me in the motion.
18 He said they -- there's a lot of things that he -- we was
19 supposed to go over.

20 He -- he only gives, like, five to ten minutes every
21 time he comes and visits. And every time I want to go into
22 detail, he says he doesn't have time. He always looks for
23 an imaginary watch. There's never a watch on his wrist.
24 It's always just a little bracelet.

25 I don't know what he's got going on. I want time to

1 talk about my case. There is never really time to talk
2 about my case. There was another motion I wanted him to
3 file, besides the directed verdict or summary judgment,
4 which was a -- a motion for dismissal due to failure to
5 prosecute. Because there's really no tangible evidence at
6 all to -- to prove the allegations.

7 But other than that, I feel like that I could make
8 more progress if I get a different attorney or represent
9 myself, which I really don't want to do. But if I'm forced
10 to, I guess I'm going have to do that.

11 THE COURT: He's been ordered to be evaluated for his
12 mental health?

13 MS. HAMMACK: Your Honor, an evaluation was done. His
14 previous attorney had him -- got an order for a DMH
15 evaluation. And that was completed shortly before Mr.
16 Chandler came on. He was found competent to stand trial.

17 THE DEFENDANT: I also don't know who my
18 prosecutor/solicitor is. I don't know if I've been
19 indicted. I don't -- I don't really know the details of my
20 case.

21 I'm -- I'm clueless. I don't -- I don't know where I
22 stand on anything right now. The only thing I got is my
23 motion. That's it.

24 THE COURT: Has he asked you for a copy of the mental
25 health evaluation?

1 MR. CHANDLER: I do not recall him asking me. In
2 fact, what -- I would say this, Your Honor: I don't recall
3 that being even the main focus of our conversations. Your
4 Honor, I spend a considerable amount of time with my client
5 in -- in -- and most of the time, he's talking about many
6 of the issues that we've just talked about. In fact, one
7 day I sit there and allowed him to talk for about 45
8 minutes, covering every one of the -- the research that
9 he's done regarding his constitutional rights.

10 But with respect to, finally, whenever we can
11 transition -- because it's always a part of our
12 conversations, whenever he transitions to his case, we've
13 been specifically talking about, Your Honor, resolving the
14 actual pending charges, which he has -- has been giving me
15 the authority to do. These accusations now are moving
16 targets because these have never been our issues in our
17 meetings -- my meetings with him, Your Honor.

18 THE DEFENDANT: Your Honor, I wrote him a letter and
19 asked him if he can provide my mental evaluation; and, if
20 he couldn't, I would like to find out who withheld that
21 mental evaluation. And I would like to get to the bottom
22 of it and possibly press charges on whoever withheld that
23 information from me. Because that is part of my discovery.

24 THE COURT: Have they given you a copy of the mental
25 health evaluation?

1 MR. CHANDLER: I -- I know that I -- I -- I -- I know
2 I discussed it. I don't remember looking at it
3 specifically.

4 THE COURT: Do you have it?

5 MS. HAMMACK: I do, Your Honor.

6 THE COURT: Give it to the clerk. Make a copy of it.
7 Make two copies of it.

8 (Off the record briefly.)

9 THE COURT: Do you have his indictments?

10 CLERK OF COURT: Has it been indicted?

11 MS. HAMMACK: It's 2017-1425, -1426, -1427, and -1429.

12 THE COURT: What was the problem with your prior
13 attorney, Mr. Collins?

14 THE DEFENDANT: I -- I had gave him a -- a conditional
15 acceptance for value -- that's "CAFV" for short -- to give
16 to the prosecutor. And he had never gave it back. He
17 never delivered it to a prosecutor.

18 He was supposed to deliver it to the prosecutor via --
19 through certified mail. He was supposed to bring me back a
20 green card. He never done that. So I had to relieve him
21 for breach of his fiduciary duty. And I -- I feel like I
22 can't trust him if he's going violate the law and steal
23 something from me.

24 THE COURT: There is no such law.

25 THE DEFENDANT: Excuse me?

1 THE COURT: There is no such law.

2 THE DEFENDANT: So if we have a -- a legally binding
3 verbal contract and he breached that verbal contract and he
4 steals something that I'm the author in due course and I
5 ask for a -- a copy of that back -- I told him to make a
6 copy, send it to the prosecutor, and he agreed to give me a
7 green card -- that's a -- that's actually a -- theft by
8 deception. I do believe so.

9 THE COURT: You are talking about filing something you
10 call a conditional ---

11 THE DEFENDANT: Conditional acceptance for value.
12 It's a ---

13 THE COURT: But there is no such thing.

14 THE DEFENDANT: Yes, sir. Yes, sir. I can -- I can
15 -- I have -- actually have it -- let's see. Do I have it?

16 THE COURT: I'm not saying you didn't draw one up.
17 I'm saying that -- that the law doesn't recognize what
18 you're talking about.

19 THE DEFENDANT: Well, it's ---

20 THE COURT: And then ---

21 THE DEFENDANT: --- international law.

22 THE COURT: You cannot ---

23 THE DEFENDANT: It's part of UCC, Uniform Commercial
24 Code.

25 THE COURT: The -- the Uniform Commercial Code does

1 not apply to criminal cases.

2 THE DEFENDANT: It applies to commercial nature of
3 cases?

4 THE COURT: There is no commercial nature to a
5 criminal case.

6 THE DEFENDANT: Whenever you put a natural name on a
7 criminal case, it does apply. Because my natural name is
8 lowercase and uppercase. Right now, who you got right now
9 is all uppercase. My natural name is lowercase and
10 uppercase.

11 THE COURT: Mr. Collins, what you're telling me are
12 principles related to the sovereign-citizen movement.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: They're not recognized in court.

15 THE DEFENDANT: They're recognized by the United
16 Nations.

17 THE COURT: They're not recognized in filings here in
18 state court in your cases. If you gave them to an attorney
19 and told that attorney to file them, the attorney could not
20 file them.

21 THE DEFENDANT: Well, if he agreed to, then isn't that
22 a breach of contract?

23 THE COURT: I'm not here to talk to you about any kind
24 of civil remedy, sir.

25 THE DEFENDANT: Okay.

1 THE COURT: I'm just ---

2 THE DEFENDANT: So ---

3 THE COURT: --- telling you ---

4 THE DEFENDANT: --- let's -- let's stop talking about
5 it, then.

6 THE COURT: Give him copies of his indictments.

7 CLERK OF COURT: These are copies of your indictments.
8 That's a copy of your mental evaluation.

9 THE COURT: Do y'all have anything else? Anything
10 else?

11 (Whereupon, no one responded.)

12 THE COURT: The motion to relieve counsel is denied.

13 MR. CHANDLER: Thank you, Your Honor.

14 (Whereupon, the proceeding concluded at 10:52 a.m.)

15 --- END OF TRANSCRIPT OF RECORD ---

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

I, the undersigned Maryann S. Nevers, CVR-M-CM, RVR-M, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Circuit Court for Aiken County, South Carolina, on the 12th day of June, 2018.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.



Maryann S. Nevers, CVR-M-CM, RVR, RVR-M
Official Court Reporter

Columbia, South Carolina
June 29, 2020