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Appellate Case No. 2020-000778

SEP 23 2020

SG Court of Appeals

Thank you for your letter to you concerning the misrepresentation of my case by Public Defender for the Second Judicial Circuit Derek Mitchell Bush and also coercion and blackmail performed by James Stram Thurmond, Jr., Esquire. Starting with their first plea - 15 years violent - I asked Mr. Bush if he was me, would he accept the plea. His answer was no and so I turned it down. He asked me what my bond was and I told him \$65,000. He further asked me if I had the money to pay the bond. I informed that I had no one to help me pay it and that I was waiting on my tax return. He led into a discussion of bond reduction and putting in for a preliminary hearing. North Augusta Public Safety had not yet produced proof of them reading me the Miranda rights. Mr. Bush said that's all we have to go off since I gave them a confession. He also stated that he was still waiting on a motion of discovery. Mr. Bush visited me numerous occasions. Once about family, work, and education. I informed him I was supposed to start physical training for the Army the month after I got arrested. He said he was like a protege of Andy Anderson who was my public defender years back. We talked about religion where he even said a prayer for me. We conversed on the topic of sports where he went as far as expasing a Gamecocks tattoo on his left chest. Looking back I felt as though he was buttering me up with the "Mr. Friendly" charisma and charm. One visit he stated that he'd received my motion of discovery when I asked for a copy he said he'd get it to me. I never received that copy. Another visit I was shown videos of my arrest by an associate of Mr. Bush informing the North Augusta Public Safety investigator reading me my rights. Shortly after on another visit Mr. Bush went through the arrest video with me again and also presented footage from the T.J Express gas station. I never saw myself in the video. Mr. Bush only stated that he saw the part where I robbed the store but it was hard to find exactly where it was located in the video. I took his word for it but looking back I wondered why he couldn't rewind and pause the video to get the time when I first saw it and show me. Seemed sketchy and unprofessional especially considering I never had a motion of discovery I asked for. I inquired to know the progress Mr. Bush was

asking on the bond reduction. He asked me if I had the money to pay the bail and I informed him my sister had the money to loan to me. Mr. Bush then surprisingly opted out of putting in for the reduction stating they could possibly end up revoking my bond instead. I could hardly fathom why and immediately felt misrepresented and string along. The second plea I received was for 10 years violent I asked Mr. Bush if I'd receive anymore pleas after that he informed me James Thurmond would take the plea off the table, place me on the trial docket for March, and push for the maximum sentence. 10-30 years for armed robbery and 5 additional years for possession of a deadly weapon. Mr. Bush informed me it was a negotiated plea. He explained James Thurmond was willing to negotiate the 10 year violent plea and drop the possession of a deadly weapon plea if I signed for the 10 years. That was the negotiation. I told him I want to discuss it with my sister and her husband because they're Navy and seemed like good counsel and told me to run everything by them. I also wanted to talk it over with my girlfriend. He agreed to give me time to ponder on a decision and said he'll get the hearing set for a later date in February. As the date of my case hearing approached I became overwhelmed with a sense of dread brought on by conversations with my girlfriend stressing her pregnancy and needing assistance and me being incarcerated useless as a an arm in a sling. She told me she had the money to match my sister for the bondsman so I was torn between bonding out and being with my kids and helping support my girl - and signing the plea. I chose bonding out instead and so when Mr. Bush called me out of the holding cell in court in February I turned it down. Mr. Bush informed me that by refusing the plea James Thurmond could recommend the maximum penalty of 30 years. I told him I just want to bond out and spend time with my family and asked if he could push my hearing date back further until the birth of my son. I told him I had the money to pay for a cg monitor, I would submit to house arrest, and personally turn myself in the week of the birth of my child. Mr. Bush told me he'd look into it. The second time I was brought out of the holding cell Mr. Bush informed me that bonding out was out of the question. He told me if I try to bond out James Thurmond would put in a motion to revoke my bond. I received a \$65,000 bond upon entering Aiken County Detention Center and made no effort to violate any terms of my bond.

condition, so I asked him how could he do that. He informed me that James Thurmond was  
need of solicitors. Figuring I was still going to try and bond out, I asked him how long  
would it take for that process to go through. He stated with James Thurmond being the  
need of solicitors, "he could have it done in a week." He additionally stated if I didn't take  
the plea I could make James Thurmond look bad in front of the victim. That statement  
from Mr. Bush prompted me to ask about Ms. Bechtwright's condition where I was told  
she was fearing for her life. I insisted on opting out of signing the plea and bonding out.  
In the holding cell as I made peace with my decision I was called out again. This time Mr.  
Bush told me if I refused the plea James Thurmond would retract the plea, put me on  
the trial docket for March, but this time said I would receive 15 years. Mr. Bush asked  
me which sounds better 15 years do 12 or 10 years do 8. I told him I understand what he's  
saying I just want to bond out and spend time with my family before I go to prison. I just  
wanted to be there and hold my newborn. Mr. Bush told me that he would speak to James  
Thurmond again and asked me when was my girlfriend due. I told him the end of March  
to April 10. When I was called from the holding cell again Mr. Bush told me James  
Thurmond was willing to push my sentencing date back until after the birth of my son  
so that I be able to see my son on video visitation before I went to prison. I told Mr. Bush  
that's not the same as spending time with my kids and assisting their mother until my son  
arrived. Mr. Bush then informed me that's all James Thurmond was willing to do. I asked if  
I could contact my sister or girlfriend to talk it over. He moved me to a booth with a phone  
and let me do so. I called my girlfriend and she told me I should accept it because I told her  
about what they said would happen if I didn't sign the plea. She was scared I would do  
15-30 years. I was also nervous James Thurmond would try and get me the maximum  
penalty as he repeatedly threatened/promised et cetera. I didn't think Judge Pope would give  
me the maximum though they gave me the feeling James Thurmond had her in his pocket. I  
felt as if I was being blackmailed out of my right to bond out. I also had suspicions  
that the victim was guaranteed I'd remain behind bars until I went to prison. I resentfully

signed the plea under the impression I had no other option. As I entered the court room to be sworn in under oath I became nervous because I felt I made a mistake. Mr. Bush instructed me not to say anything except "Yes" and "No Main." When Judge Pope asked me if I was promised anything to sign the plea, I misinterpreted the question figuring she was talking about money and said "No Main." I was also afraid if I spoke out to say anything about what I felt, it would backfire and I'd get the maximum sentence even if they started my case over with a new public defender since James Thurmond was still going to be the head of solicitors. The moment I left the court room, I felt like I had been had. Back in the detention center I spoke with 5 deputies, my girlfriend's parents, and my sister and her husband. They all informed me I needed to get a real lawyer. Somehow - I believe because God don't like ugly - I still managed to bond out. I received a bond reduction to \$50,000 and a document saying my court date was pushed back June. I was released in April for a whole week when my bondsman called me to "supposedly" sign some papers. When I arrived Aiken Public Safety apprehended me. I recall the bondsman calling my girlfriend asking for the description of the car and what I had on but during the arrest he never showed up. Aiken Public Safety informed me I was never supposed to be released from the Detention Center since I signed a plea and that papers didn't get faxed from the court house. Before they brought me back to the Detention Center, an agent in brown uniform and a bulletproof vest assured me and my girlfriend's parents we would get our money refunded from the bondsman since they used him to get to me. He gave my girlfriend's parent a card. Back at the Detention Center the bondsman wouldn't answer my calls. I called my girlfriend and she said he blamed the court and wasn't returning the money. He then stopped answering her calls and texts. She has a receipt and I have the bail proceeding form still. Her parents came down to the jail and they refused to talk to them and they blamed the bondsman. My girlfriend also said she called the court and received no cooperation. \$2500 swindled out of a family of four mouths. I felt that was the third injustice brought

upon me. The first being the misrepresentation of my case by Mr. Bush. The second being the black mail and coercion by James Thurmond. On my sentencing date I informed Judge Pope I was blackmailed into taking a plea. She told me I didn't say anything at the hearing and that this was just a sentencing. I told her James Thurmond hang my son over my head to sign the plea. James Thurmond countered by saying it was a part of the negotiation. A false statement by Mr. Bush explained to me the negotiation was signing the plea for 10 years violent and that James Thurmond would in turn drop the possession of a deadly weapon. That was the negotiation or it was trial docket for March and maximum sentence. Keep in mind the Coronavirus hit and Global-Tel-Link stopped visitation. Visits stopped in the jail and also home visits. My girlfriend has a receipt of the day she made a visit and then cancelling that visit and refunding her money. The whole visitation process was stopped so how could that possibly have been a part of any negotiation? James Thurmond told that little white lie to Judge Pope thinking perhaps she'd never bother checking into it and it would never come up. If there are any persons reading this letter that are God-fearing, strong-willed, and actually care about real justice and not big-headed lawmen with planet-sized egos well-versed in the Art of Deception and Law-bending, understand this much: I don't look forward to Mr. Bush and James Thurmond to receive demotions, lose merit, or lose careers. If it need be then it is what it is. What I've come to understand is, some people deserve second chances. I'm sure they worked hard to make it where they are. Maybe a little chastizing from next level in command about talking unnecessary shortcuts leading to blunders such as this one. Do to technicalities in my case I'd like 1 1/2 year sentence reduction. I don't wish to be retried on some double jeopardy scenario receiving 15-30 years. I'm not asking for a half-sentence reduction or release, though naturally I'd accept. I don't care for anyone to get in trouble. I would greatly appreciate this small justice. After sentencing Mr. Bush asked me why I felt I was blackmailed I told him and he tried to explain the appeal process. I'm not sure which this is for. We were both upset. Anyway I thank you for your time. Peace + Love

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