

State v. Brown, 360 S.C. 581, 590, 602 S.E.2d 392 (2004). Due Process
State v. Walker, 844 S.E. 2d 405 (S.C. Ct. App. 2020) quoting Perry v. New Hampshire, 565
U.S. 228, 237, 132 S. Ct. 716, 181 L. Ed. 2d 694 (2012), Huellmantel v. Greenville Hospital System
303 S.C. 549, 533, 402 S.E. 2d 489 (Ct. App. 1991); S.C. Const. Art. I § 3; U.S. Const. Amend V and XIV

Speedy Trial? No trials in Spartanburg County. But I heard there were some trials
proceeding in other counties in South Carolina during Covid-19 until this year when the
state ordered no jury trials about a month or two ago. Question about my plea offer again I was
asked not formal but to plea to DV Han in exchange for dropping of 3 other charges and accept
0 yrs. They can't give me half the plea and renege on the sentence or lapse the 10 yrs
recommendation right? But they asked for a cap of 10-15 and made no recommendation for 10 yrs.
My lawyer said he didn't want this offer to expire that we should plea now. Again the state
made no recommendations at all. I'm not certain upon recall if they even mentioned that in
exchange for the plea they agreed to drop the 3 other charges. Therefore there was some
form of negotiation ^{(not open plea)?} correct? Mr. Cheeks told my family the same thing 10 yrs on plea
agreement. I asked my brother who said he received a call from him discussing the offer
he told me what was said that I would be looking at about 7 yrs to 7.5 yrs if I
took the plea with 1 yr credit for time served. That's why I pleaded. If anything
else was negotiated other and refused or deal lapse, Due to time frame counsel
had duty to inform me of such. But again no offer was in writing. Under Rule 11
of Criminal Rules of Procedure, e-mails also count as negotiated pleas! Again since we can't
have trials, I asked for a Speedy trial! I wanted to go to trial instead of plea out. So it
was kind of forced not voluntary. Not open plea deal! The solicitor said no recommendation, My lawyer
didn't withdraw the plea. Therefore I was sentenced more harshly than expected. Obviously the Judge has discre-
tion on plea. But there was some negotiation for deal. If Macdonald negotiated on open plea I didn't say it
was so before. But this isn't just about the plea offer. Again the evidence the state mentioned how she
saw that it was not any proof the victim did anything to them. I wrote both Abusaft and
Macdonald and said that I think the state has the wrong evidence. I was asking for my clothes back
that's how I knew. I said in the interview the clothes on the bed. She was trying to take my clothes
then tried to burn them whether threat or attempt is up to the state. But again inside of
my home. Which is where a line of defense should have been drawn by my Counsel. The
interviewer upon mention said during interview that "that's not what happened" No she didn't
how if he didn't have proof. Prosecutorial Vindictiveness? They instead trumped up
the charge to prove me guilty. The victim was still on trespass notice. According to law
Defense of habitation State v. Bryant, 391 S.C. 225, 233-34 705 S.E. 2d 465 (Ct. App. 2010)
3rd degree Arson, attempt to burn 10-11-190. But that's up to my counsel but for my best
interest not Vindictiveness! Should there have been some dispute. Again my counsel felt I was
guilty and did not investigate. Both Macdonald and Cheeks asked me what's my defense?
I think I was in my motion about what happened? The Effective Assistance of Counsel →

Defense of habitation! The state reneges on plea agreements. It gave me part of a plea deal not all. They agreed to drop the 3 charges and go with the DV Han, but changed on the 10 yrs to open plea. My counsel didn't withdraw the guilty plea. The defendant is entitled to specific performance of the plea agreement and resentencing or to withdrawal of his plea agreement and a new trial, *Jordan v. State* 297 S.C. 52, 374 S.C. 683 (1988), *State v. Thrift* 312 S.C. 282, 295, 440 S.E.2d 341 (1994). Says All plea agreements must be on record and must recite the scope, offense, and individuals involved in the agreement. Again, I am not a lawyer but I may be wrong about this information (Legal) that could jeopardize my appeal and I'm not saying this to be a pro se, I would like representation for my appeal. I have cite works! I'm scared if I mail them they won't be referenced or lost in defense for my case to be appealed. In error I wrote my first letter to Mr. Robert M. Dudek explaining my concerns for appeal but I asked if he would forward that to whom it may concern I mentioned your name there as well. The Honorable Jenny Abbott Kitchen's, receive a copy. I don't know if it was done but I hope so. This will be my second attempt trying to give explanation. We just received our envelopes today from the facility which is why I am late responding. I didn't have any envelopes we only get two a month. Back to my explanation! O.K. I think my lawyer should have objected during my plea, to part of evidence being introduced as I mentioned earlier in the letter and the changing of the plea. My first lawyer Monier Abusaff waived my preliminary hearing without my consent, so I never saw any evidence to say what needed correcting earlier on in the process. He said that he couldn't represent on all my charges just the Attempted Murder and Possess a Weapon during violent crime. They vilified me + prosecutorial vindictiveness. That I would need to get another lawyer for the DV Han and Discharging of a firearm into a dwelling which were indicted at a later date. He said I didn't have a defense so basically he saw me as guilty! The other cases although one was a totally separate incident, were indicted later according to Macdonald. They all were in the first motion of discovery as one case. I asked for a separate motion for the discharge of a firearm into a dwelling case since it was separate. Detective Hemric changed his narrative [My Confession] in the second motion - told Macdonald about it he said he wasn't aware of the changes. The state didn't tell him about change in evidence and I don't know what he did in response. I need to get access to my Jail account in Spartanburg County Detention Center to get me emails and get the evidence of the correspondence I had with my counsel to prove how and what took place in our conversations, to prove for my appeal. Macdonald said that the State was able to read our conversations in e-mail, so it evidently was never private on the York. Rules of Prof. Conduct Rule 1.4 in reference to how my counsel Abusaff was with communication. He never told me about my plea offer. Macdonald told me when he became my lawyer. During my first bond hearing the solicitor said she would have a deal for me about 48 hrs Judge Kelly denied my bond and it took months for a verdict but during that time I was writing Abusaff to see what happened he never responded. So I wrote Clay Men his then Boss who relayed my message to him to contact me. Next thing I know I hear he quit and ran for city council. Then Clay Allen quit after him. That's when I got Macdonald's "Right to Counsel" 6th Amendment + Duty to inform or communicate plea offer.

Statement says she came into the room. Well apply here that had I been holding
foster captive would she have said at the time when my mother came into the room
that Ms. Smith Derrick won't let me leave I want to go but he won't let me
leave I keep trying to leave and he won't let me! A simple common sense deduct
right. Even when I left to go to the store, if that was the case then why didn't
she leave while I was gone or call for help while I was gone. So Macdonald
says no there is no kidnapping charge there is no need for video from Sprint surveillance
camera. But I thought it was to show I left my house during this supposed 2 hr
argument the witness said happen. The couple hrs the victim says I held her
captive. I know I keep saying it but prosecutorial vindictiveness! I asked both
my lawyers to obtain evidence on my behalf for defense but I don't know if
they did or not. So obviously I'm preparing for a trial not a plea. So since we
couldn't have trials? I asked for videos from stores, body cams, and photos from
crime scene. I got nothing. I asked for this in my messages on the kiosk in County jail
Another line of defense I had for my case that I thought my lawyer would use to help
me fight hope they said no need, I was guilty. In the gun photo there a 2 shells on
the ground. My victim was shot in my room in my house once I fired once not twice
Shouldn't the shell be inside the house in a photo for evidence. Why is it outside on
the ground next to the gun, That's not how I surrendered the gun. Empty clip, 2 gun
shells and hammer cocked back. That's why I asked for body cam video for that instance.
Michael Morin said I need to represent myself pro se that they filed a motion to release
counsel but that I couldn't unless I got another attorney that the state wouldn't
give me another lawyer. We went in front of Judge Kelly. I need that e-mail too
I asked for another bond hearing didn't get it. Macdonald said in e-mail that we
would go to bond trial before the plea trial. So they called me to court and James
Cheeks was there I thought it was for a bond but it was a plea I told him I
didn't want to plea because I didn't know what the offer was for they came to see me
Macdonald was in the next booth I asked Cheeks if he could get a split offer of time
and probation on 10yr of 5yr and 5 probation. He never got back with me, to give me a yes
or no! He just showed up ready to plea in court I said no I don't want to plea the solicitor wanted
a continuance and bursted out laughing Cheeks said no and then it was over. But again as
I want something to happen with this case. I asked my lawyer since I've had a preliminary and a
bond and trying to get another bond hearing have they heard from the victim. He said the solicitor won't let
him know that. But she said in the plea hearing that they have been trying for a year to reach he
and couldn't. Then now I see why he didn't give me another bond hearing because then I may have
got a bond, even if it was high. I asked him about being a flight risk which is why they
denied my bond in green. I don't know why I always come to court and comply. But I understand
the threat to community, which is why they offered the GPS monitor if I got a bond
as a condition or release. Prosecutorial vindictiveness! Tough on crime is the motto!

My mother said she was there at the preliminary and that she and my brother talked to Abusoft. I asked Macdonald for a transcript he said it's not on the preliminary was waived. I was transported from the jail to the county court holding cell but they never called me for prelim I sat there all day. So I never saw or heard the evidence against me for Burden of proof. The victim never came again told him and Macdonald that I think they have the wrong evidence. Again I asked Macdonald about photos of crime scene, evidence, victim he said there was none. But I said again in my interview that the clothes on the bed was the evidence not the clothes on my back which they took from me in Greer city jail. There was a lack of investigation then. They collected a cell phone from the bed, not the clothes, but the LG flip phone, mention in search and seizure, Question

Unless the state can OSR! But that would be pointless I confessed to shooting. Again my defense was there defense of habitation! My counsel I don't know what he ran with. State says - Oh Han! No mention of defense, for property or Alibi or ex temp. I told the interviewer she tried to burn my clothes on the bed in my house with my mom at home. Yet the interviewer said No that's not what happened. My counsel said nothing in my defense for home! Prosecutorial Vindictiveness instead I got 3 charges and my lawyer even said you have no defense I am guilty. That I had to make them believe that they would've done the same thing. That's not what the defense of habitation says. Again she was placed on no trespass prior. Then became an aggressor at that point. Defense of habitation does not require that a defendant reasonably believe that he or his property was in imminent danger of sustaining serious injury or damage. I became a villain then! A girl called me placed by foster in my presence even though I should have called but my mother was completely unaware. So she then tried to call to report that's when I stopped her the help was already on the way. I was confident in that that she didn't need to call. That Mrs Foster was going to be alright help was on the way. That's when my mom began to physically hit me with her fist and I moved her with a clearing motion to the right against the wall and shoved her back and she fell down. No! That's my mom who is still an 87 yr old woman I did not try to hurt her or transfer intent. My mother was never aware that Foster tried to burn my clothes in the room on my bed. All she knew is she heard a shot she never saw anything. The argument she heard early was Foster wanting to ride with me to the store which I asked my lawyer to obtain the video from Sphynx on Hwy 14 and High Hamster in Greer to show that I left home. I told Foster no that I would be right back. Then I left. I was not like she said trying to hold her captive for hours in my house. My mother's →

So since there are no Speedy trials and hearing about my case my question is now
Do I have a Due Process claim also? I asked for Ineffective Assistance of Counsel.
What about wrongful conviction? The evidence presented at the plea offer was wrong.
6th Amendment violation? Duty to inform defendant of plea. If there was a lapse
in my plea offer wouldn't my lawyer have known before the plea hearing. He told me that
this may be our last chance before the offer is taken back. 10 yrs for DV than if accept
and drop the 3 other charges. I got a half a deal 3 charges dropped and no recommen-
dation from the state but there was a cap of 10-15 years on 20 yrs suspended.
Then how were there not any negotiations the solicitor said its not a negotiated plea
they went on an open plea and my lawyer didn't object or withdraw the plea. He should
have objected to the evidence of the clothes from my back was wrong evidence. See why
its like that fits for the relationship they have for prosecutorial vindictiveness. I told
you before about the Greer police how they treated me in the past in my other letter
I wrote you before. I can't help the times we live in or a persons upbringing or their
beliefs. But its a very real very valid part of life, all walks of life not to be ignored.
Even people in position of authority are guilty. Its part of the system or it wouldn't
exist. Poverty is a weapon. The state has the Burden of proof. In this case Intent!
The type of intent the state said is I shot the victim for no reason. Malice. Thats not
true. Ms Jennifer Wells said that by testing my clothes she proved that. Thats false.
wrong evidence, Wrongful conviction! I told them what happened in the interview. They ran
with girlfriend and cohabitant. Then it got vindictive. A female was shot by a
black male. Prosec the women's female prosecutor. My lawyer wanted to schedule me
for plea during CDV awareness month, that was in my e-mail to Macdonald. I know
their job but there is immunity there also. My lawyer is not adversarial he seemed
passive. But I said she tried to with a threat burn my clothes. Nobody batted an eye lash
to that I was just wrong, telling a lie about that that its not a reason. Defma-
st habitation is real right. Both my lawyers said I have no defense for my case that
I'm guilty. Cooperating with the state. Not Stand your Ground! I think there are
better defenses to help me than that. Not adversarial at that point. Doesn't want to make
it hard for the state they can get a conviction. 6th Amendment, prosecutorial vindictiveness. I
don't know but I'm not a lawyer. Does Counsel have to inform client about strategies in plea
hearings? Like ^{character} witnesses? Nobody told me about my family joining in. on web X. My Mother
was there the witness for the state. Macdonald didn't mention this before trial!

At that point I felt like something was wrong. I didn't know if I could object. I waited for him McDonald to! I didn't hear the judge clearly on the sentencing to understand I heard the cap 20 suspended to 15 then 5yrs probation. The probation lady gave me paperwork with the sentence that's how I found out 15yrs. I remember he said 20 suspended to 15 early but how without recommendation. Therefore its a sentence before verdict! The state said no recommendation, so no cap. Then its open 0-20 right? Then therefore it was an offer. The state reneges that's the 10 on the 10-15 cap I was supposed to get recommendation for. I got half deal. 3 charges dropped on plea to DV violation of 10yrs. Lawyer never said nothing it was not in writing she said it was non negotiated in plea hearing. But it seems somebody talked about something of a plea deal. Ms. Kitchings can you make a copy of this back to me. Let me know if I need to send any case law. I have some but again I'm not a lawyer. How then can you put a cap on an open plea without hearing the case. Without a recommendation? Does that make sense? My lawyer said mercy of the court. Leniency! the solicitor said no recommendation. 10-15 cap 20yrs suspended. I got 20yrs 15yrs plus 5yrs not a suspension that's 20yrs of state custody probation is with ankle monitor under DV guidelines!

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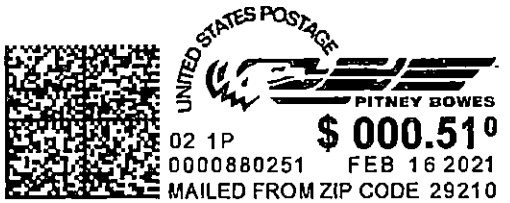
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