

**Office of the Public Defender
Sixth Judicial Circuit
Fairfield County Office
Post Office Box 7637
Winnsboro, SC 29180**

RECEIVED
APR 05 2021
SC Court of Appeals

April 1, 2021

Ms. Carrie E James
SCDC ID 00384802
Camille Griffin Graham Correctional Institution
4450 Broad River Rd
Columbia, SC 29210 - 4096

Re: Carrie E. James Appeal 2020 GS20 00385

Dear Ms James:

I have begun the appeal process in your case. I am sending you several documents. The most important one is a letter from the Court of Appeals that instructs me to write to you. According to the letter, you have (20) twenty days from the date of this letter to inform the Court of your reasons to appeal your case.

I will back up a little. An Appeal is more than asking for a second chance. An Appeal should properly consist of an allegation of some mistake or error in the trial of your case that, when it is fixed, will result in your getting a new trial. People who were represented by the Public Defender are entitled to a free appellate lawyer from the state's office of Appellate Defense. In cases (usually trials) where there are no known grounds, there is a process to ask for a general review. However, in cases such as yours, where a guilty plea has been entered, the Court will only review the case if some specific reason for an appeal is given.

At some point, you will hear about POST CONVICTION RELIEF, the process of asking the court to review your case, not because of an error of law (which would be an appeal) but because of some other complaint, such as Ineffective Assistance of Counsel. A request for Post Conviction Relief is a request to start over and the usual result (when PCR is granted, which is not always) is to start over- with your original charges. However, sometimes when a person applies for PCR, their first complaint is "my lawyer didn't appeal my case (and now it's too late)". In that case, the state will often offer the PCR applicant a belated appeal. That sounds good, but that also uses up your one chance at PCR.

I am not saying you do or don't have a good chance on a PCR. Many people are confused as to what a PCR will get them. My understanding is the only relief a judge can grant in

a PCR proceeding is a new trial- back to square one. Sometimes, that process results in the applicant being offered a better deal, so some people believe a PCR is a way to get "a time cut".

I believe you got the best deal available under the circumstances you faced- a dead person, no other likely killer, and no other explanation for her death from you or elsewhere. People can argue over whether or not the sentence you received is fair or it was the best deal you could get. Before you complete your sentence, someone is likely to suggest you could have done better.


That is a lot of explaining, but the important parts are these:

- 1) An appeal should include a statement of errors
- 2) You have a limited time to perfect your appeal.
- 3) If you have an appealable issue, lawyers from Appellate Defense will help you.
- 4) An appeal is different from an application for PCR.

If you wish to continue the appeals process, you must submit to the Court of Appeals your reason or basis for an appeal. You must do so within twenty days of this letter.

I wish you good luck in this and in all of your future endeavors.

Yours

 Robert C FitzSimons
Assistant Public Defender

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SC Court of Appeals

April 1, 2021

Hon. V. Claire Allen
Chief Deputy Clerk
SC COURT OF APPEALS
Post Office Box 11629
Columbia, SC 29211

Re: The State v. Carrie E. James
Appellate Case No. 2021 -00312

Dear Madame Clerk:

Enclosed please find a copy of the letter which I have sent my former client, Carrie James, as directed by your letter of March 26.

Thanking you for your assistance in this matter, I remain

Yours

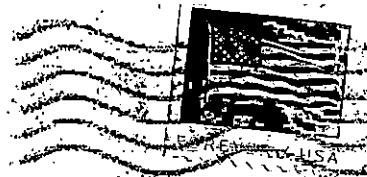


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Assistant Public Defender

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COLUMBIA, SC 290

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SC Court of Appeals

Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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