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JUL 07 2021

SC Court of Appeals

South Carolina Court of Appeals

P.O. Box 11629

Columbia, SC 29211

~~Theophilus Xavier Berry Case No. 2019-04210-119~~
V.

The State

I Theophilus Xavier Berry appeals my guilty plea. This sentence was imposed by the Honorable Steven H. John on May 11, 2021.

My grounds for this appeal of my guilty plea is that my counsel Lawson K. Anderson, S.C. Bar No. 103778. I find her assistance was ineffective on the grounds she told me that I would be eligible for parole and that I was going to get found guilty if I went to trial. I signed up for a preliminary hearing through the courts and requested my lawyer to put in a motion for it and I never went. I also hired Ralph Wilson Jr. to be my lawyer and he got arrested, then Ms. Anderson became my lawyer but I didn't hire her. In my case it was no more like a ~~brother~~ ~~brother~~ I told investigators it was self defense which I should have plea to manslaughter instead of murder.

Can you please review my case and grant that my plea be changed to manslaughter because this was a case of self defense. The only reason I didn't go to trial was because my lawyer said I would lose.

The pathologist said that 15-20 shots were fired and my statement said 6 or 7 shots were fired which does not add up and the state also offered me 35 years on my first plea then dropped the armed robbery (minimum of 10 years) and possession of deadly weapon (additional 5 years) and offered me 30 years. My lawyer told me

take 30 years or you will get life so I took the plea. A weapon was never found in my case nor the things they said I stole which is why they dropped two charges. The murder should have been reduced to manslaughter because ~~naive~~ ^{naive} ~~afterthought~~ ^{afterthought} is who you plan something before it happen and which wasn't

the case because my life was endangered which resulted in self defense so can you please accept my appeal and reduce my murder charge to manslaughter.
See Coats v. State (S.C. 2009) 397 S.C. 500, 578 S.E.2d 507.
Criminal Law 1549 131

Theophilus Berry

Theophilus Berry
LSCDC ID# 00585177; Housing # C18-0056-B)

Michael Correctional Institute

4344 ...
Columbia, SC 29210

South Carolina Court of Appeals

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