

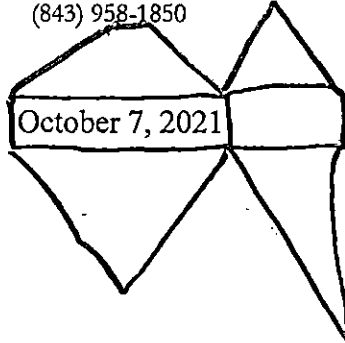
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RECEIVED
OCT 19 2021
SC Court of Appeals

VIA HAND DELIVERY

Kenneth Bernard Brown
Inmate #1258989
Sheriff Al Cannon Detention Center
3841 Leeds Avenue
North Charleston, SC 29405

RE: State of South Carolina v. Kenneth Bernard Brown
Appellate Case No. 2021-001131

Dear Mr. Brown,

I Filed At 12:22 pm
She Filed At 4:42 pm
a week later after I plead.

Look She filed her
Appeal the same day
I filed mine after she
saw that I filed an appeal
✓ which means she
never was going
to file.

I hope this letter finds you well. I received correspondence from The South Carolina Court of Appeals with information regarding the appeal filed on your behalf. Enclosed is a copy of the Notice of Appeal I filed with the Court on September 30, 2021, along with a copy of the Notice of Appeal you also filed on September 30, 2021. As you requested, I included the memorandums filed by both your previous public defender, Daniel Summa, and the State, regarding whether your offenses should be considered second or third offenses to the Court of Appeals. There was a hearing held on that motion, which you were present for, on April 12, 2019.

I am required to provide the Court an explanation for appealing. As you will see in the Notice of Appeal I filed, I listed that in accordance to Rule 203 within the South Carolina Appellate Court Rules (SCACR), there are no preserved issues to appeal but an appeal was filed on your behalf because you indicated you wanted to do so. The specific rule I cited was Rule 203(B)(iv) which states:

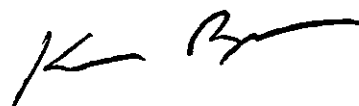
"If the appeal is from a guilty plea... a written explanation showing that there is an issue which can be reviewed on appeal. This explanation should identify the issue(s) to be raised on appeal and the factual basis for the issue(s) including how the issue(s) was raised below and the ruling of the lower court on that issue(s). If an issue was not raised to and ruled on by the lower court, the explanation shall include argument and citation to legal authority showing how this issue can be reviewed on appeal. If the appellant fails to make a sufficient showing, the notice of appeal may be dismissed."

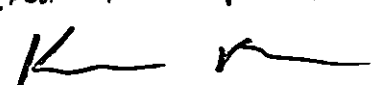
This means she rushed this in at the end of that day before 5:pm when the clerks office would have been closed.

On 9-16-21 My Public Defender Alyssa Hamke went to my
pre trial hearing Afterwards she called me and ~~stated~~ ^{stated} that
I take the 12 year Deal. Because going to trial I would loose
It's what she told me I informed her that I was to get
married on 10-4-21 so I needed to plea to the 12 years after
that date. My P.D called Stephanie Linder the Solicitor
and explained that to her but she wanted me to come plead
to the 12 years the next day which was ~~9-17-21~~ ⁹⁻¹⁷⁻²¹ IF I DID
that I would not have been able to get married. So on 9-17-21
The Solicitor Stephanie Linder put me in a Bind She said
Because I didn't take the plea the next day that now
my plea just went up to 15 years and not 12 any more, This

is illegal because I was willing to take the 12 years but because
I wanted to get married in 3 weeks she gave me 3 extra years.
My P.D didn't even try and fight that. She just encouraged
me to take the 15 years and get this over with. I'm sitting
that my counsel was ~~in~~ ineffective and did not do a
very good job of defending me. In the 2 1/2 months she was
my P.D all she did was convince me to plea. when I told her
the very first day I met her ~~was~~ I was wanting to go to
trial. She never even tried to set up a defense or prepare
to take me to trial. Her goal was just to get me to
plea. Two months after taking my case she insist on me
pleading to all this time. I would like this Trafficking charge
dropped to Distribution and my time to be cut in half.

Appellate Case NO. 2021-001131

 I would like the weight of that trafficking charge
reweighed because it was only 9 grams and not 10

On 9-23-21 my public Defender Alyssa R. Harmke paid 80 dollars to the yellow Cab Company to ~~me~~ come pick me up from my House (2918 West Surrey Dr.) to take me to plead at The Moncks Corner Court House In Berkeley County. When we got in front of the Judge to plea The Judge said she was not accepting my plea. So my P.D. Ask if she would accept the plea if I wore an Ankle monitor The Judge said yes. My P.D. and I went to talk I told her that I did not want to take this plea again at least 4 or 5 times. She insisted that this was the only deal that I was gonna get or go to trial on 10-11-21 which was only about 3 weeks away. I told her that I would try and get a paid lawyer. My P.D. told me that I couldn't because of how close my trial date was. *NOTE* my P.D. has been changed three times since 2018 and she has only been my P.D. for $2\frac{1}{2}$ months so I told my P.D. I would still try and get a paid lawyer she insisted that she would pay for my ankle monitor if I pleaded. After we went back and forth with this I felt I was being forced into this deal or I would get the 25-30 at trial. So I accepted this deal to avoid 25-30 years at a trial. I never wanted to plea that day but my P.D. told me if I didn't then my only option was trial. Alyssa Harmke was my P.D. for $2\frac{1}{2}$ months what could she do in that little time to give me the best defense in a case that has been going on for 3 years. She knew nothing about my case but yet forced me to plea to this time. once I told her at least 3 times that I did not want to plea she should have not keep insisting that I take this deal that shows that she was never trying to defend me properly. Then after I plead I told her I wanted to appeal she states I have no grounds to appeal. 

If I ~~sold~~ .05g of cocaine base I should be charged with possession and not distribution, because of the weight. But I was charged with distribution because I distributed it. ~~So I do~~ And not possession because of how much it weighed. So therefore I should have been charged with distribution instead of trafficking because I distributed it and not because of the weight. So if they are going by the weight then all my other distribution charges should have been just possession. If trafficking is 10 grams ~~or~~ or more then what is possession, and what is distribution and how much does it have to weigh to be considered possession. So if you gonna say since I distributed 10 grams because of the weight its trafficking then since I sold less than a half of a gram then it should not be distribution but it should be possession because of the weight. So therefore the weight is the key factor here and not the actual selling of the drugs so therefore if the weight changes ~~it~~ it to trafficking then the weight of the other charges should have changed it to possession.

K

Kenneth Brown
2718 West Sumner Dr.
N. Charleston SC 29405

CHARLESTON SC 294

14 OCT 2021 PM 3 L

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OCT 19 2021

SC Court of Appeals



South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

29201-378999

