

LEGAL MAIL

STATE OF SOUTH CAROLINA
COURT OF APPEALS

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THE SOUTH CAROLINA COURT OF APPEALS
APPELLATE CASE NO. 2020-001612

JAN 20 2023

"MOTION TO COMPEL DISCOVERY"

VS.

LAMONT ANTONIO SAMUEL SC Court of Appeals

APPELLANT

Comes Now Appellant moves before this Honorable Court with a "Motion to Compel Discovery" pursuant to SC ST § 14-8-200 and *Matters of Haddock*, 283 S.C. 116 (1984).

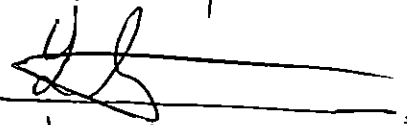
1. On January 12, 2023, Appellant received the order from the SOUTH CAROLINA COURT OF APPEALS granting his motion for STAY and motion for extension of time, and denied Appellant's request to compel Attorney Thomas Sims to return his legal documents.
2. Appellant contends that in his motion for stay, Paragraph 3, Appellant addressed to this court that he needed to retrieve these letters from Appellant's trial Attorney Thomas Sims in order to fully and fairly exhibit his case.
3. Appellant contends that pursuant to SC ST § 14-8-200 this court has the same authority as the SOUTH CAROLINA SUPREME COURT to entertain petitions for writ of certiorari. South Carolina Supreme Court has established in *Matters of Haddock* 283 S.C. 116 (1984) that in Appellant's case file and discovery belongs to him and that his defense counsel has no right to keep his discovery material and must return it to him.
4. Appellant contends that his Appellate counsel gross negligence in filing an inadequate Anders Brief, not advising him of his rights to appeal, failing to fully investigate his case and failing to retrieve these very important legal documents from his trial Attorney Thomas Sims that proves his innocence, amounted to him abandoning Appellate at a "Critical Stage" which violates his sixth amendment right to counsel and 14th Amendment right to due process, to represent himself on appeal. See *Penson v. Ohio* 458 U.S. 75 (1982); *Anders v. California* 386 U.S. 736 (1967) *U.S. v. Cronin* 466 U.S. 659 (1984) *Douglas v. California* 372 U.S. 353 (1963) *Guitts v. Lucey* 469 U.S. 387 (1985) Appellant contends that in *U.S. v. Burnett* 989 F.2d 100 (1993) 2d Cir "The Court of Appeals, Cardamone, Circuit Judge held that (1) defense counsel's Anders Brief was inadequate and (2) defense counsel was not entitled to award of attorney fees under Criminal Justice Act. Denial of attorney fees under Criminal Justice Act is justified where Anders Brief is, for all practical purposes worthless. Appellant contends that his case is so strikingly similar both legally and factually to the *U.S. v. Burnett* under the equal protection clause, the same treatment must apply. Appellant contends that he has never even received any of discovery material from his trial Attorney Thomas Sims.

5. Appellant contends that according to clearly established state and Federal laws supported by the United States Supreme Court that unjustifiable inordinate delays in furnishing and Appellant legal documents needed for perfection of his appeal violated his rights to due process, and warranted a conditional order that prisoner be released if appeal was not heard in reasonable time. See *Cameron V. Lefevre* 887 F. Supp 425 (1995); *Griffin V. Illinois* 351 U.S 12 (1956)

6. The Fourth Circuit Court of Appeals issued a conditional writ in *Bostick V. Warden of Broad River Corrections* 2010 WL 360514; See *Bostick V. Stevenson* NO 8-3061 (4th Cir Dec. 17th, 2009) that such unjustifiable inordinate delay in adjudicating Bostick's direct appeal raised to the level of a due process violation and required a conditional order that Bostick be released from prison unless the SOUTH CAROLINA COURT OF APPEALS grants him a direct appeal within a reasonable time.

7. For the foregoing reasons Appellant Respectfully request that this Honorable Court re consider's it's order denying Appellants request to Compel Attorney Thomas Sims to return the requested case file pursuant to South Carolina Rules of Evidence specifically those letters that Alan Fields wrote exonerating him, Police reports, Ballistics reports, and Autopsy reports which Appellant requested but Attorney Thomas Sims never sent them. Appellant Respectfully request that this Honorable Court exercise it's jurisdiction pursuant to SC ST § 14-8-200 and *Matters of Haddock* 283. S.C 116 (1984) and grant this motion to protect Appellant Constitutional Right to Due Process to prevent any further delays in Appealing His Conviction.

Respectfully

S/ 

Kament Samuel 355793 BBA A-39
Allendale Correctional Institution
P.O. Box 1151
1057 Revolutionary Trail
Fairfax S.C 29827

The undersigned, here by certifies that a true copy of the attached matter has been served upon the parties listed below, by mailing (1) copy in an envelopes properly addressed to each party, with the properly postage.

affixed this 17 day of January 2023

Jenny Abbott Kitchings, Clerk
Post Office Box 11629
Columbia, South Carolina 29211

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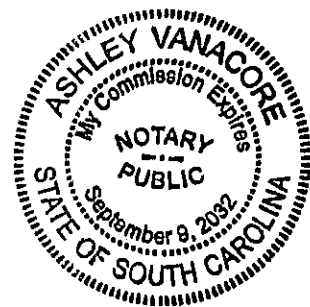
JAN 20 2023

SC Court of Appeals

SWORN to and Subscribed before me this

17 day of January 2023

Ashley Vanacore
Notary Public



My Commission expires 9/9/32

Lamont Samuel 355793 BBA A-39
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