

The State Of South Carolina
In The Court Of Appeals

Appeal From Charleston County
Court Of Common Pleas
J. C. Nicholson, Jr., Circuit Judge

RECEIVED
JUN 17 2013
SC Court of Appeals

Appellate Case No. 2013-001223

JAM
NOV

William L. Runyon, Jr., Esq. Respondant,

V.

Anthony James, 310987, Appellant.

JAM
NOV

Motion For Appointment
Of Counsel

I, the appellant, move this Honorable Court for an appointment of counsel. I feel I am entitled to appellate relief, however, I am unable to meet the burden of appellate process on my own because of restrictions of incarceration. And, according to S.C. Code of Laws § 15-5-320, a person imprisoned in this State or any other state shall appear by guardian ad litem in an action by him or against. If only to make copies and assist me with getting copies of the transcript, I ask that the office of appellate counsel be appointed to represent me at the least.

Respectfully Submitted.

6-12-13

Sworn to and Subscribed to before me
this 12 day of June 2013.

Franklin
Notary Public

My Commission Expires: 12.16.2019

Anthony James 310987
386 Redemption Way
McClellan, SC 29899
Appellant

State Of South Carolina
County Of McCormick

In Re: Appellate Case
Number 2013-001223,
James v. Runyon, Jr., Esq.

In The Court Of Appeals

Affidavit Showing Receipt Of Paper
Form Order [And]

Affidavit in Support Of Motion
For Appointment Of Counsel.

[And]

Affidavit showing Appellable issues.

RECEIVED

JUN 17 2013

SC Court of Appeals

I, Anthony James, 310987, received a letter from V. Claire Allen, of the S.C. Court of Appeals, on June 11th, 2013, dated June 6th, 2013. In this letter I was told that I had ten (10) days from June 6, 2013, to bring my appeal into proper form. Half of the deadline was gone before I got the letter. This can be confirmed with Warden Parker, Ms. Franklin, and Sgt. Brown of McCormick Correctional Institution. In the event that this proper form compliance is not received by June 16th, 2013, I ask that (5) five days be added to June 16th, 2013.

I, Anthony James, 310987, request appointment of Counsel for the following reasons:

- ① I am an indigent inmate who was violated by the respondent, and I believe that I did not receive the proper judgment by the Court of Common Pleas of Charleston County;
- ② SCDC has a policy that limits the amount of legal photocopies that can be made by an inmate, therefore, I will not be able to provide to this court the copies it requires for certain stages of the appeal process;
- ③ SCDC has a policy that restricts inmates from making legal photocopies of documents that were produced by them (handwritten or typed), therefore, I will not be able to send the multiple copies that is required for certain stages of the appeal process;
- ④ I will not be able to afford the cost(s) for a copy of the transcript for the hearing that I'm appealing, therefore, for the above reasons I ask that this court appoint counsel.

I, Anthony James, 310987, am filing this appeal because I believe I am entitled to relief pursuant to Sims v. Hall 592 S.E.2d 315, 357 S.C. 288. The original complaint, James v. Runyon, Jr., was filed (3) three plaintiffs who were violated

by Mr. Runyon's breaches of duty, but after I paid my \$150.00 filing fee, the Court never informed the other (2) two plaintiffs that they had to pay separate filing fees in order for their issues to be heard as well, therefore, they were not present to present their issues. On April 16th, 2013 a Motion to Dismiss hearing was held for Case No: 2012-CP-10-3755, James v. Runyon, Jr., and it was granted by the Court stating I failed to state a course of action. I believe the Judge meant to say that I failed to state a cause of action. The cause of action was a breach of duty committed by William L. Runyon, Jr., Esq. and the damage was I am barred from presenting appealable issues to the Supreme Court of South Carolina, by way of appeal, for Charleston County Case # 2006-CP-10-0164. Mr. Runyon represented me on my PCR application for my criminal conviction. At Court, for the motion to dismiss, I proved the four (4) elements needed to sustain an Attorney Malpractice claim by proving:

- ① The existence of an attorney-client relationship between me and Mr. Runyon, Jr.;
- ② That a breach of duty took place when Mr. Runyon failed or refused to file a PCR appeal in my behalf; and when he didn't amend my PCR;
- ③ The damages was that I became Time-barred from presenting appealable issues to the South Carolina Supreme Court, for C/A# 2006-CP-10-0164, and other issues were abandoned;
- ④ Which is a Direct result of Mr. Runyon's breaches of duty; (Proximate causation of the client's damages by breach).

These four (4) elements are specifically outlined in Sims v. Hall, supra. However, according to Water v. Kemp 845 F.2d 260 (1988), an attorney must represent indigent client as professionally and zealously as paying client is represented, therefore, by Mr. Runyon failing to Amend my PCR application to include additional grounds for relief, and by him failing file an appeal in my behalf to have my appealable issues reviewed by The Supreme Court of South Carolina, Mr. Runyon's effectiveness fell

below the standards set forth in Water v. Kemp, Supra, and Sims v. Hall, Supra. Therefore, I feel the judgment made should be reversed and remanded on grounds that I did state a cause of action which is Attorney-Malpractice.

RECEIVED

JUN 17 2013

SC Court of Appeals

History of case

- ① On August 4th, 2004 taken before Judge Baldwin to be charged with arm robbery, 1st Degree Burglar, and fire arms provision, by a [female]. However, a [Male] officer signed my Arrest Affidavits but he was [not] present at my bond hearing, in which he was required to be present at my bond hearing pursuant to Spragella v. Monte Bruno, 1 Mill Const. 280, 1817 WL 621 S.C. Const. 1817; and State v. Holladay, 112 S.E. 827, in order to be the person to sign my Arrest Affidavits;
- ② On this same date, at my bond hearing, the police lied to the magistrate Judge by telling her that William J. Moore ~~was~~ a witness to prove the same accusations of the victim. William J. Moore was actually the victim who was robbed by two (2) people with masks on and there was [no] eye witness to support his lack of [and] insufficient identification of me being the person(s) who robbed him. This lie mis-lead Judge Baldwin to believe that the police had a legitimate eye-witness that could place me at the scene of the crime; which is proof of fraud;
- ③ On this same date, at my bond hearing, the police presented illegal evidence to the Judge in support of arrest warrants being issued against me. This illegal evidence was a Defendant Confession that was produced by the police. The police took advantage of me being under the influence of Ecstasy (MDMA) and compelled me to sign a waiver of Miranda Rights and confession knowing that I was [not] in my right state of mind to waive my Miranda Rights. The statement was written by the police which is a sign that I was not capable of doing so myself. Ecstasy (MDMA) is a drug that causes hallucinations upon ingestion. A knowing and intelligent waiver of Miranda Rights was required in order for the alleged confession to be admissible. Therefore, it should not have been included as support for arrest warrants

to be issued against me;

④ On November 5th, 2004, the Charleston County Solicitor's Office went before a South Carolina Grand Jury and presented illegal evidence, and illegally obtained ~~Arrest~~ **warrants** to support me being indicted for Arm Rob., 1st Deg. Burg., & Fire arms provisions. The illegal evidence was a Waiver of Miranda Rights [and] a defendant Confession that were produced and collected in violation of Miranda v. Arizona, 86 S.C.T. 1602 (1966).

The South Carolina Constitution and The United States Constitution does not grant prosecutors the authority or jurisdiction to use illegally obtained evidence to prosecute cases in any Court under the jurisdiction of the U.S. Therefore, the General Sessions did not have jurisdiction to sentence me using illegally obtained arrest warrants and illegally obtained indictments;

⑤ On April 11th, 2005, I filed a Motion to Dismiss Charges in my own behalf because my attorney refused to do so for me. The case was brought before Judge Dennis for a guilty plea but this Motion was never disposed of properly. How could the Court assume that I wanted to plead guilty when I filed a Motion to Dismiss the Charges? How could the Court assume that I was pleased with my attorney's performance when I already was complaining about ~~my~~ attorney being ineffective?

⑥ My Trial counsel failed to file an appeal in my behalf and I didn't give a knowing and intelligent waiver of my right to direct appeal. However, Mr. Runyon didn't amend this into my PCR for redress, nor did he amend the other (5) five histories into my PCR application, for redress, that are mentioned above;

⑦ On Sept. 14th, 2007, an evidentiary hearing was held for my PCR application No. 2006-CP-10-0164. The State made an objection against my oral affidavit of facts about my alibi witness and the Court sustain this objection against me. This was one appealable PCR issue. The State presented illegal evidence to support a dismissal of my PCR application, which could have jarred the presiding judge's sound discretion. This was another appealable PCR issue. The PCR judge filed an Order of Dismissal giving Mis-Information of facts about my alibi witness stating that I did not provide contact information or a full name. What he ignored was that I gave the full name of my alibi

Witness [Friend]. That's who residents I was at when the victim got robbed. However, the Court did not inquire about this therefore, his ruling was inappropriate. Had the Court required more information about the alibi witness, as far as contact information, I would have provided this to the Court. This was another appealable PCR issue, ~~but~~ when Mr. Runyon breached his duty by refusing to file an appeal in my behalf, he single-handedly denied me access to Court and caused me to be time-barred from presenting appealable issues to the S.C. Supreme Court to seek relief from that judgment. This is why I feel Mr. Runyon is Guilty of Legal Malpractice. This is why I filed this appeal to C/A # 2012-CP-10-3755. The history of the case in this Affidavit of Support shows that I have appealable issues for this Honorable Court to accept jurisdiction over the pleadings.

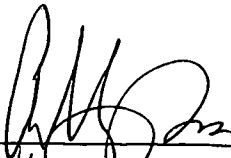
Respectfully Submitted.

Date: 6-11-13

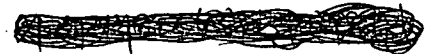
Sworn to and Subscribed to before me
this 12th day of June 2013.

J. Franklin
Notary Public

My Commission Expires: 12-16-2019


Anthony James 310987
386 Redemption Way
McCor., SC 29899
Appellant

RECEIVED
JUN 17 2013
SC Court of Appeals



South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211



FIRST-CLASS MAIL

Hasler

06/06/2013

USPS POSTAGE

\$00.46



ZIP 29201

01D12602624

1260

ANTHONY JAMES, 310987
MCCORMICK CORRECTIONAL INSTITUTION
386 REDEMPTION WAY
MCCORMICK SC 29899

JUN 10 2013

MAIL ROOM

29899

The State of South Carolina
Court of Appeals

Date that McCormick Cor. received my mail,
but [I] did not receive it until 6-11-13.

RECEIVED
JUN 17 2013
SC Court of Appeals