State of South Carolina
IN The Court of Appeals

RECEIVED
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SC Court of Appeals

Appeal from Berkely County
Honorable Kristi Lea Harrington, Presiding
Appellate Case No. 2011-203366

Douglas Monray Thompson

Appellant

VS.

The State

Respondent

Affidavit of facts and or motion Seeking to terminate State Appointed Counsel; Motion for a P.R. Bond; Motion for Sanctions and to exceed Page limit and

Motion to motion there for

In Re: Thompson

To: The SC Court Of Appeals,
The SC Attorney General,
The SC Commission on Indigent
Defense Et. Al,

The appellant, Douglas Monray Thompson, in the above Captioned matter do hereby Motion to Relieve state appointed Counsel in the form of the SC Commission on Indigent Defense, and hereby exercises his Constitutional Due Process right to act Pro Se. At minimum, if the Court do not grant this motion for the appellant to act Pro Se. Then the appellant Seeks to act Pro Se With State appointed Counsel on Stand-by. This is what the appellant seeks by his Constitutional Due process and 6th Amendment

Tight as Counsel of Choice. This by no means is the appellants intent to initiate a hybrid defense. It is his efforts to exercise his 6th Amendment right of "Counsel of Choice." There are issues where the appellant seeks to address matters of Subject matter jurisdiction, fraud on the Court, Servance issues and other matters the state appointed attorney for the appellant; Conspiring Under Color of State Law With the Prosecution has purposely, Maliciously, Criminally failed to address in acts of fraud on the Court even at this level. These acts stand in egregious Violation of the civil Rights Act of 1964 warranting removal to the federal District Court. There are also Constitution Structural errors related to the fraud on the Court occurring in the lower Court which must be addressed. Therefore, the appellant is forced to seek to relieve state appointed Counsel for the appellant, to ensure that these issues are not unjustly Waived in fundamental fairness to the appellant. Fraud upon the Court, As well as Subject matter Jurisdiction Cannot be Waived, Can be raised at any time, and the Court shall not fail to take notice.

The actions of the appellate Counsel, Conspiring Under Color of state law with the prosecution serve to abrogate the appellant's right not to be hindered in his access to the Courts. This we have 1st, 4th, 5th, 6th, 13th and 14th Amendment issues that must be given opportunity to be heard before this Court, Mathis v. State 355 SC 87, 584 SE2d 366 (S.C App. 2003); Brown v. State, 343 SC 342, 540 SE 2d 846 (2001); State v. Browning, 320 SC at 368, 46 SE2d at 359; State v. Munn, 357 SE2d 461 (SC 1987); Screws v. United States, 325 U.S. 91, 65 SCt 1031 (1945); United States v. Walsh, 194 F3d 37 (2nd Cir. 1999); Dubinka v. Judges of Superior Court of the State of California, for the County of Los Angeles 23 F3d 218, Jones v. State Of Arkansas, 929 F2d 375; Hicks v. Oklahoma, 447 U.S. 343, 346, 100 SCt 2227, 2229, 65 LEd 2d 175 (1980); Dozier v. Loop College, City of Chicago, 776 F2d 752; Lugar v. Edmondson Oil Co., 457 U.S. 922, 928-30, 102 SCt 2744, 2749-50; 73 LEd 2d 482 (1982); The Conception, Brunn Coll c 497 2 Wheller CC 597, 6 F. Cas. 359 No. 3137 (CCD SC 1819); The La Conception, 19 U.S. 235, 1821 WL 2188, 5 LEd 249, 6 Wheat 235 U.S.S.C (March 8, 1821); The Amistad, 40 U.S. 518, 15 Pet 518 1841 WL 5024, 2006 A.M.C 2955, 10 LEd 826, U.S. Conn, January 1841;

Chewing v. Ford Motor Company, 354 SC 72, 579 SE2d 605 (2003); Appling v. State Farm Mut. Auto Ins Co, 340 F3d 769, 780 (9th Cir 2003); King v. First American Investigations Inc, 287 F3d 91, 95 (2nd Cir. 2002) Cert. denied 537 U.S. 960, 1123 SCt 393, 154 Led 2d 314 (2002); Brailsford, 469 SE2d 342, 380 SC 443; Callon Petroleum Co. v. Frontier Ins Co, 351 F3d 204, 208 (5th Cir. 2003).

The Constitutional right to Counsel of Choice do not extend to trial proceedings alone. It extends to direct Appeals, PCR, Writ of Cert. and Writ of Habeas Corpus, including other Proceedings as Well. The provisions of 28 U.S.C.A § 1654 Speaks with all [C]larity and [P]articularity. By the Mandates of U.S.C.A Amend 6, in "[A]ll" (Emphasis Added) Courts of the United States the parties may Plead or Conduct their own Personally or by Counselas, by Rules of such Courts, Respectively, are Permitted to Manage and Conduct Cause therein, Turner v. American Bar Ass'n D.C. Tex 1975, 407 F. Supp 451 Affd 539 F2d 715, Aff'd 542 F2d 56; United States v. Dougherty, 1972, 473 F2d 1113, 154 U.S. App. D.C. 76.

If the SC Court of Appeals prevented this, it would not be a harmless error since the appellant seeks to challenge the Appeals Courts Jurisdiction which can be raised on

Appeal for the first time. This also includes the issue of fraud on the Court, in both the lower and Appellate Court, In one particular instance, the State appointed Counsel, being Compromised, Conspiring Under Color of State law in Violation of 18 U.S.C §§ 241, 242 to deny the appellant the Equal Protection of the laws, Collaborating with the State Attorney Generals Office to Cause irreparable harm to the defendant's Proceedings at both levels of Court, Knowing fully Well that this fraud on the Court, Constructive Amendment of the indictments on crucial elements, burden Shifting, Structural Constitutional error, issues of Subject matters Jurisdiction and other Egregious Due Process issues exist. They engaged in overwhelming Acts of judicial misconduct, Violations of the Code of Professional ethics and fraud in their efforts to adjudicate the matters despite their knowledge of these Criminal deficiences Warranting Sanctions Under 18 U.S.C §§ 241, 242 which the appellant Seeks. They also did this in blatant defiance to the Provisions of 42 U.S.C §§ 1985 (2), 1985(3) and 1986 Warranting removal which the appellant Seeks Under 28 U.S.C § 1443(1), Chapman v. California, 386 U.S. 18, 24, 87 Sct 824, 828, 17 L.Ed 2d 705, 710-11 (1967); Boddie v. Connecticut, 401 U.S. 371, 379, 91 Sct 780, 28 L.Ed 2d 113 (1973); Tyrus v. Martinez, 106 Sct 1787, 475 U.S. 1138, 90 L.Ed 2d 333; Monroe v Pape, 365

U.S. 167, 81 SCt. 473, 5 LEd 2d 492 (1961); Arguing Preemption Via Shaw v. Delta Airlines Inc, 463 U.S. 85, 96 n. 14, 103 Sct 2090, 2899 n. 14, 77 LEd 2d 490 (1983); 28 U.S.C §§ 1331, 1332, 1343; 42 U.S.C.A § 2014(hh); Caterpillar, Inc v. Williams, 482 U.S. 386, 389, 107 Sct 2425, 2427, 96 LEd 2d 318 (1987); The Fair v. Kohler Die & Specialty Co, 228 U.S. 22, 25, 33 SCt 410, 411, 57 LEd 716 (1913) "The party who bring suit is master to decide what law he will rely upon"); Buise v. Hudkins, 584 F2d 223, 229 (1978); United States v. Whitley, 759 F2d 327; SCACR rule 407, Model Rules of Professional Conduct 1.2(d)(1989); Code of Professional Responsibility, DR7-102(A)(4), Et 7-26; ABA, Standards relating to defense function(s) 4-7.5(a)(2d. ed 1980) (here in after cited as ABA Defense Standards); People v. Radinsky, 176 Colo. 357, 490 P.2d 951 (1971); Herbert v. United States, 340 A.2d 802 Dc 1975; People v. Pike, 58 Cal. 2d 70, 372 P.2d 656, 22 Cal. Rptr. 664 (1962).

To Compel a Criminal defendant to be represented by Counsel in all Cases, especially in light of the fact that this fraud upon the Court is occurring, would Conflict with his Statutory and Constitutional right to Conduct and manage his own defense. This is what the appellant Contends. It is Conspicuous the racial Under tones and Class based discriminory animus that exist in this Case Sub judice, when the Supposed witnesses ID "only" One out of two defendants and Made repeated use of Phrases like "All Black Men Look Alike" and they did not focus on any other Solid Characteristic of Identification other than they were "Black Men."

There was no statement of height, weight, skin tone or any other defining Characteristic. There were numerous issues State appointed Counsel could have addressed that were preserved but failed. There were issues of fraud and Subject Matter jurisdictions that were Perspicuously, Purposely over looked behind racial hatred. that were never raised warranting removable under 28 U.S.C § 1443(1). I object and want this Counsel relieved. She is conspiring with the State Warranting Criminal Sanctions under 18 U.S.C §§ 241 and 242, See Code of Professional Responsibility, DR. 7-102 (A)(7), (8); Erickson, Standards of Competency of defense Counsel in a Criminal Case, 17 Amer. Crim. L Rev. 233 (1979); Staten Henderson, 205 Kan 231, 468 P. 2d 136 (1970); People V. Blalock, 197 Colo. 320, 592 P. 2d 406 (1979); Lowe V. United States, Ca 7 (IND) 1969, 418 F 2d 100 Cert denied 90 Sct 1378, 397 U.S. 1048, 25 L.Ed 2d 660; Feretta V. California, 422 U.S at 835 n. 46, 95 Sct at 2541-2549, U.S L.Ed 2d 562, 592 (1975); Wiggins V. Estelle 681 F2d 266 (1982).

State appointed Counsel knew and planned in advance to block the appellant from the Court by not submitting an Anders brief. Then she argued one issue out of many which should have been addressed, in a manner in which she did, Conspiring under Color of State law, Knowing that the Attorney General's office would put in their extensive response in both their efforts to unjustly affirm the appellants Conviction in Violation of 18 USC §§ 241, 242, Due Process and his right to Equal Protection of the laws. The 6th Amendment itself grants every

defendant, State or federal, the right to personally Conduct his own defense. The defendant has the right to proceed without State appointed Counsel, and or to have Counsel remain on stand by, When he voluntarily and intelligently elects to do so, Especially in light of the fact that he is arguing preemption and fraud on the Court as well as Criminal Conspiracy, Juelich v. United States, 342 F2d 29, 30 (5th Cir. 1965); Middlebrook v. United States, 457 F2d 657, 659 (5th Cir. 1972) (Decision to defend pro se is exercise of defendant's right to "Freedom of Choice"); Williams v. United States, CA 5 (TTA) 1950, 179 F2d 656 Cert. granted 71. sct 70, 340 U.S. 850, 95 LEd 622 Aff'd 71 Sct 341 U.S. 97, 95 LEd 774; Brown v. United States, CA 6 (tenn.) 1953, 204 F2d 247; United States v. Ramey CA 4 (W.Va) 1964, 336 F2d 512 Cert. denied 85 Sct 649, 379 US. 972, 13 LEd 2d 564; United States v. Kozminski, (1988) 487 U.S. 931, 101 LEd 2d 788, 108 Sct 2751, 46 CCH EPD 9 38067 on remand (1988 CA 6 Mich) 852 F2d 1288; 18 U.S.C §§ 241, 242; 42 U.S.C §§ 1985 (2), 1985 (3), 1986; 28 U.S.C § 1443 (1); Greenwood V. Peacock (1966) 384 U.S. 808, 16 LEd 2d 944, 86 Sct 1800; United States v. Otherson (1980 CA 9. Cal.) 637 F2d 1276, Cert. denied (1981) 454 U.S. 840, 70 LEd 2d 123, 102 Sct 149.

The Constitutional right to have a lawyer, is a treasured one, but the Constitutional right to refuse a lawyer's help is also given Constitutional dignity. The Supreme Court loathe denying the latter, Unless Compelled to do so by clear and Commanding precedent. You have Criminal Conspiracy and fraud on the Court being Perpetrated in Violation of 18 U.S.C §§ 241, 242; 42 U.S.C §§ 1985 (2), 1985 (3), 1986.

There is no Compelling precedent with State appointed Counsel being Compromised in this manner. Thus, the Constitutional right to act pro se as Counsel of Choice Cannot be denied, Chapman v. United States, 553 F2d 886 (1977); United States V. Pike, 439 F2d 695 (9th Cir. 1971); United States v. Warner, 428 F2d 730 (8th Cir. 1970) Cert. denied 400 U.S 930, 91 Sct 194, 27 LEd 2d 191 (1971); Arnold v. United States, 414 F2d 1056 (9th Cir. 1969) Cert. denied 396 U.S. 1021, 90 Sct 593, 24 LEd 2d 514 (1970); United States v. Plattner, 330 F2d 271 (2nd Cir. 1964); United States v. Gonzales-Lopez, 548 -U.S.- (2006); Chaplin & Drysdale, Chartered v. United States, 491 U.S 617, 624-625 (1989); Wheat v. United States, 486 U.S. 153, 159 (1988); Rodriquez V. Chandler, 382 F3d 670, 675 (CA. 7 2004) Cert. denied 543 U.S. 1156 (2005); Powell V. Alabama, 287 U.S. 45, 53 (1932); Sullivan v. Louisiana, 508 U.S. 275, 282; Arizona v. Fulminate, 499 U.S. 279, 309-310; McKaskle V. Wiggins, 465 U.S. 168, 177-178 n. 8 (1984).

The appellant motions for Sanctions pursuant to 18 U.S.C §§ 241 and 242. And that the appellant be given a P.R. Bond until his direct appeal issues have been resolved in the S.C. Court of Appeals due to this egregious Miscarriage of justice, fraud and Conspiracy which Conspicuously occurred here. The appellant is not a flight risk being his first offense and the appellant is not a threat to any one. Such should be granted due to the exceptional circumstances that Surround this Case, U.S V Disomma, 951 F2d 494, 497 (2nd Cir. 1991); US V Garcia, 340 F3d 1019-20 (9th Cir. 2003); U.S V. Laetividal-Gonzales, 939 F2d 1455, 1462 (11th Cir. 1991); U.S.V Steinhorn, 927 F2d 195, 196 (4th Cir. 1991).

The actions of the Conspiring parties act as a dark stain and mockery of our judicial system. Counsel is clearly deficient in her representation and the appellant has clearly been prejudiced as a result. State appointed Counsel's fraud and Conspiring with the Attorney General's office is serious enough to place here well below the objective standard of reasonableness guaranteed by the 6th Amendment. Had it not been for her performance the results would have been different. Being forced to keep the Compromised Counsel, Conspiring in violation of 18 U.S.C §§ 241 and 242 with the Attorney's General office serves to abrogate the appellant's access to the Court by this fraud and is as if the appellant was forced to go through his direct appeal with no Counsel at all. If such is required the appellant motions to exceed the page limit for this document; Strickland V. Washington, 466 U.S 668, 104 Sct 2052, 80 L.Ed 2d 674 (1984); Williams V. Taylor, 529 U.S. 362, 391, 120 Sct 1495, 146 L.Ed 2d 389 (2000); Shelton V. Ciccone CA 8 (MO) 1978, 578 F2d 1241; Evitts V. Lucy, 469 U.S. at 387, 105 Sct 830, 83 L.Ed 2d 831 (1985); Gray 800 F2d at 646; Powell V. Alabama, 287 U.S. 45, 53 Sct 55, 77 L.Ed 158 (1932).

Respectfully

Douglas Monray Thompson

This 21st day of August, 2013.

State of South Carolina
In The Court of Appeals

Appeal from Berkely County
Honorable Kristi Lea Harrington, Presiding
Appellant Case NO. 2011-203364

Douglas Monray Thompson

Appellant

VS.

The State

Respondent

Certificate of Service

I, Douglas Monray Thompson, do hereby Certify, that I have Mailed and or served a Copy of an affidavit of facts and or Motion Seeking terminate ~~State~~ appointed Counsel; Motion for a P.R Bond; Motion for sanctions and to exceed the Page limit and Motion to Motion therefore, on the SC Court of Appeals 1015 Sumter Street Columbia, SC 29201, by U.S Mail Postage prepaid on August 21, 2013.

Respectfully

Douglas Monray Thompson

August 21, 2013