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S.C. SUPREME COURT

C-12

Indigent Defender Letter dated January 9, 2024
Sarah E. Shipe, Esq.,

C-12



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

January 9, 2024

Mr. Ben Robert Stewart, #223006
Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, SC 29010

Re: Your Case

Dear Mr. Stewart:

I am the lawyer who will be handling your case in the Supreme Court. I will be reviewing the record of the proceedings at the Post Conviction Relief (PCR) court to see what legal errors to present to the Supreme Court on your behalf. I will submit these in the form of a Petition for Writ of Certiorari.

When I file the petition, I will send you a copy of all relevant hearing transcripts and material in the form of an appendix. Only information that was in front of the PCR judge can be included in the Appendix.

You must be patient while the court considers your case. The process is very slow, but there is nothing I can do to speed up the process. It may be a few months before I submit a petition to the Supreme Court and at least a year after that before the Court decides your case. **Some cases take even longer.** You will be notified when the Court makes a decision and letters asking the status of your case do not speed up the process.

Please keep these points in mind. The Supreme Court can only consider the information that was before the PCR court. Any new information cannot be brought to their attention at this point. In addition, the issue must have been addressed in the PCR court's order of dismissal before it can be raised to the Supreme Court.

The court decides the case based on the written material submitted by the attorney general's office and me. It very rarely sets oral arguments, which are an opportunity for me to focus its attention on the information in the petition. If you are in prison, you cannot attend.

Mr. Ben Robert Stewart, #223006
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January 9, 2024

In addition, we are not able to visit our clients personally but feel free to call collect.

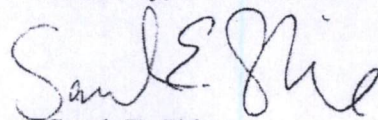
Be assured that I will try my best to find reversible error. I will submit the best petition I possibly can to the Supreme Court.

I receive a tremendous amount of mail and I may not be able to respond to all letters. However, you are free to telephone me collect. An SCDC Telephone Privilege Request has already been submitted for the following number: (803) 734-1330. **Please record your full name on the recording. We cannot accept a collect call with a nickname or partial name.** This is the preferred method of us communicating. Regardless, rest assured if you write me a letter about your case, I will read it and carefully consider it as I decide which issue or issues to submit to the appellate court. Please note that the decision about which issues to submit is mine. Only if I submit a "no merits" or Johnson petition, stating that I could not find any good issues, will the court let you submit your own legal arguments.

Finally, if you are transferred to another facility or released, you must write and let me know where you are. The Department of Corrections will not notify us of your new address.

I hope this letter answers some of the questions you may have at this time. Again, please do not hesitate to contact me by letter if you have any questions or I may be of further assistance.

Sincerely,



Sarah E. Shipe
Appellate Defender

SES/smm

EXH C2

Ben Robert Stewart, 223006
990 Wisacky Highway
Bishopville, S.C. 29010

January 16, 2024

Daniel G. Hayes,
Assistant Disciplinary Counsel
Post office Box 12159
Columbia, S.C. 29211

Re; Amendment to file Number; 23-DE-L-1670
new complaint Sarah E. Shipe

Dear Mr. Hayes;

Thank you for your services, enclosed is a Amended complaint regarding Attorney Sarah E. Shipe. Conflict of interest. Also I am submitting my Exhibits from my last to amendments from Attorney, Kenneth Snow, Solicitor, Walter Thompson, Attorney Robert Dudek and also including Exhibit C12 Indigent Defense Letter, January 9, 2024.

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OFFICE OF
DISCIPLINARY COUNSEL

COMPLAINT

XI.

The Complainant Ben Robert Stewart, submits a complaint for investigation and review according to the Rules of Professional Conduct 407 SCACR, Misconduct, 8.4 statutes, against Appellate Defender Attorney Sarah E. Shipe for violations of section 8.4 (e) also 1.1 and 1.7 for Competence and Conflict of Interest.

XII.

FACTS

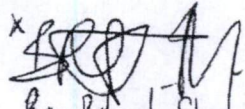
The Complainant has filed ineffective Assistance of Counsel against Wanda H. Carter Deputy Chief Appellate Defender at South Carolina Commission on Indigent Defense, Also, Complainant has cited in this Amended Complainant on infractions against Chief Appellate Defender Robert M. Dudek for Conflict of interest.

The Complainant now cites Appellate Defender Sarah E. Shipe for violation of competence whereas, Attorney Carter was cited in April 17, 2023 PCR Hearing and failed to defend her stewardship and such is grounds for review on appeal. Defender Shipe is also cited for Conflict of interest and Misconduct 8.4(e) whereas her actions in depriving equal protections of the Law S.C. Const. Art 1 section 3, U.S. Const 14th Amendment are prejudicial to the administration of justice. Complainant is indigent and filed motion for Appointment of Counsel due to Attorney Carter cite for ineffectiveness, Attorney Dudek is cited because of the prejudicial effect and Attorney Dudek agreed to agreement for such conflict with prior attorney Ola A. Johnson who has been cited for Misconduct on and Amended Petition objected to agreement. Complainant presently filed a Motion Affidant

and Cause for Appointment of Counsel including Declaration and Affidavit of facts for Cause, Enclosed, whereas complicit misconduct behavior is obstructing my appeals and Post Conviction Relief and depriving and discriminating against Complainant in not providing Constitutional rights, i.e., under the First Amendment, Petition Clause; (Pretrial-direct appeal-post conviction) Fourth and Fifth Amendment (Pretrial detainee redress) the Sixth Amendment, Assistance of Counsel, Eighth Amendment Cruel and Unusual and Fourteenth Amendment, Equal Protection of the Laws, in this jurisdiction, see S.C. Const Art 1 section 3 Equal Protection, S.C. Const Art 5, section 4, 5 and s.c. code ann 40-5-10 Inherent Power of Supreme Court to regulate practice of Law, because of these infractions, please see; Moore v. Supreme Court of South Carolina, 447 F. Supp 527 (Dist Court South Carolina 1977) stating; States have both duty and right to regulate the practice of professions within their borders and federal Courts should not interfere with such internal regulation unless the regulations invidiously discriminate against a certain class of citizens or otherwise are in no way reasonably related to ensuring the character and competence of their professionals'.

Please investigate these matters and amend Ola A. Johnson Esquire, Walter Wille Thompson, Solicitor, Kenneth D. Snow, Esquire, Robert M Dudek, Esquire, and include Sarah E. Shipe, Esquire under case file Number: 23-PE-L-1670

Enclose are Exhibits, C10 letter from Clerk office,
Exh. C11 letter from Indigent defense
Exh. C6 Petition to Amend also Affidavit Declaration
Exh. C7 Cash Slip Exh. 12 Letter Indigent Defense
Exh C13 Order

x 
Ben Robert Stewart 223006
990 Wisacky Hwy
Bishopville, S.C. 29010

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