

Mr. William T. Colman #287408  
Kershaw Correctional Institution P.A. 48  
4848 Goldmine Highway  
Kershaw, South Carolina 29067

The Honorable Ms. Jenny Abbott Kitchings, Clerk  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

RECEIVED

SEP 26 2013

SC Court of Appeals

Re: Rule 1.2(a) and (d)(2) of South Carolina Appellate Court Rules; Rule 407 of Professional Conduct, and Rule 1.16(2)(3) of the South Carolina Appellate Court Rules. Then finally Rule 246(a) of the South Carolina Appellate Court Rules.

Dear Ms. Kitchings,

First and foremost in the name of Jesus I pray this request finds you in the best of your health. My reason for writing you again is because of the record on file in dealing with my attorney. A while back I wrote you and informed you that I had been requesting for him to have me released on an appeal bond and that he would not entertain the issue or provide me this particular appellant defense notion simply because I'm indigent. To limit your representation of me simply because I'm indigent is a form of misconduct. It's a nice way of saying if you were rich I'd do it for you but since you technically can't afford an attorney anyway screw you. To the extent that this disagreement between us is an unresolvable issue I would like to discharge Mr. Robert M. Pachek from representation of me and proceed pro se because his misconduct has prejudiced my release from confinement. Pursuant to Rule 1.2(a) of the South Carolina Appellate Court Rules Mr. Pachek's job as my appellate counsel is to abide by my decisions and objectives concerning representation and should consult with me as to the means by which those objectives are pursued. Pursuant to Rule 1.2(d)(2) there is a disagreement about the means to be used to accomplish the client's objective. The disagreement is simply Mr. Pachek refuses to pursue my objective of being released on an appeal bond because he says I'm indigent, which to me is a poor excuse to not pursue a client's objectives because the state pays him to provide me adequate indigent defense. My efforts to resolve the issue have been unavailing and the fundamental disagreement continues to exist so conversely I choose to resolve the disagreement by discharging the lawyer. Pursuant to Rule 1.16(2)(3) Mr. Pachek shall withdraw from representation of me because he was discharged. I hereby choose to proceed pro se in my appeal and other appellate issues such as an appeal bond. Following the submission of an Anders Brief by Mr. Pachek I have submitted my pro se brief arguing the issues on appeal in which I wish the courts to consider, so technically, following the filing of his Anders brief, my pro se brief, and his refusal to any further representation in regards to other appellate issues I am discharging Mr. Pachek and continuing pro se, because his representation is nullified.

Substantially if Mr. Pachak had entertained the issue of being released on bond pending the disposal of his client's appeal, he probably would have discovered that pursuant to Rule 246(a) his client is technically already released on bond pending the disposal of his appeal and the execution of his sentence should have been stayed until the appeal was properly disposed of, and that his client is unlawfully confined because his client is out on bond.

Pursuant to South Carolina Appellate Court Rules 246(a) regarding stay in criminal cases and stays pending appeal, as quoted, "The service of a notice of appeal by a criminal defendant shall operate as a stay of the execution of the sentence until the appeal is finally disposed of; provided, however, a sentence of confinement shall not be stayed until the defendant has posted bail under S.C. Ann §§ 18-1-80 and 90 (1985)".

On January 26<sup>th</sup>, 2012 the defendant was arrested for warrant #455084 indictment #2012-65-4601471 for possession of a firearm with the serial number obliterated. The defendant posted a \$10,000 bail under S.C. Ann §§ 18-1-80 and 90 (1985). On 6/19/2012 the defendant was tried and unlawfully convicted in the 16<sup>th</sup> Circuit General Sessions Court of York County. Immediately following the unlawful conviction the defendant served Notice of Appeal in regards to the unlawful conviction. Pursuant to Rule 246(a) of the South Carolina Appellate Court Rules, "The service of a notice of appeal by a criminal defendant shall operate as a stay of the execution of the sentence until the appeal is finally disposed of. The sentence of confinement shall be stayed because the defendant has posted bail under S.C. Ann §§ 18-1-80 and 90 (1985)". The defendant was released on a \$10,000 bail for the charge and the sentence of confinement did not exceed 10 years, therefore the execution of the sentence should have been stayed.

Proceeding pro-se I hereby urge the courts to rescind the order of execution of the three years of confinement, and order my immediate release from confinement because the execution of my sentence should have been stayed until my appeal was properly disposed of, by law. So technically "I'm not supposed to be here!" Please file and submit my motions to the appropriate court to make a timely and accurate ruling and order my release in accord with my Fourteenth Amendment Right of the United States Constitution to equal protection of the laws of this state. Please and thank you in advance, may God bless you, In the body of Christ.

Very Truly Yours  
Mr. William T. Clemens

State of South Carolina

In the Court of Appeals

Appeal from York County

John C. Hayes, III, Circuit Court Judge

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SEP 26 2013

SC Court of Appeals

The State,

Respondent,

V.

Mr. William T. Coleman

Appellant,

Appellate Case No. 2012-212338

Motion to Discharge Appellant Counsel  
and proceed in pro se (representation of ones self)

Mr. William T. Coleman states,

1. My appointed Appellate Defender Mr. Robert M. Pachak has defied Rule 1.2(a) of the South Carolina Appellate Court Rules and Rule 407 of professional conduct where as, he refuses to abide by my decisions and objectives concerning representation, and would not consult with me as to the means in which those objectives are to be pursued and his reasoning for such refusal is simply because I'm indigent.

2. Pursuant to Rule 1.2(d)(2) there is a disagreement about the means to be used to accomplish the clients objectives. The disagreement is simply Mr. Pachak refuses to pursue the clients objectives of being released on an appeal bond because he says the client is indigent. Which is a poor excuse to not pursue a clients objectives because the state pays him to provide adequate indigent defense.

3. Mr. Pachak has asked the courts to relieve him as counsel for Mr. William T. Coleman on the 28th of December 2012, and because the client has been unavailing in his efforts to resolve the fundamental disagreement between him and the scope of his attorney's representation of him, the client chooses to resolve the disagreement by discharging the lawyer because the lawyers representation prejudices his release from confinement.

Wherefore the Client, Mr. William T. Coleman discharges the lawyer pursuant to Rule 1.16(a)(3) of the South Carolina Appellate Court Rules, and moves to proceed pro se.

Respectfully Submitted  
Mr. William T. Coleman

State of South Carolina

In the Court of Appeals

Appeal from York County

John C. Hayes, III, Circuit Court Judge

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SEP 26 2013

SC Court of Appeals

The State

V.

Respondent

Mr. William T. Coleman

Appellant

Appellate Case # 2012-212338

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Motion to Rescind the Order of Execution of the Appellant's Sentence and order the Appellant's release from confinement immediately Pursuant to Rule 246 of the South Carolina Appellate Court Rules

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The Appellant Mr. William T. Coleman hereby moves the court to acknowledge his service of Notice of Appeal in the forementioned case, and stay the execution of the sentence until after the appeal is properly disposed of. The Appellant has posted bail pursuant to S.C. Ann §§ 18-1-80 and 90 (1985) and his service of Notice of Appeal shall operate as a stay of the execution of the sentence until the appeal is properly disposed of; pursuant to Rule 246(e) of the South Carolina Appellate Court Rules.

To the extent that the state has unlawfully begun execution of the sentence, the appellant hereby moves this court to rescind the order of execution of the sentence, and order the defendants immediate release from prison, and stay the execution of the sentence until the appellants' appeal is properly disposed of.

Respectfully Submitted

Mr. William T. Coleman

State of South Carolina

In the Court of Appeals

Appeal from York County

John C. Hayes, III, Circuit Court Judge

The State

V.

Mr. William T. Colencan

Respondent

Appellant

Appellate Case # 2012-212338

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Memorandum to Support Motion to Rescind the order of execution of the Appellant's sentence and order the Appellant's release from confinement immediately Pursuant to Rule 246 of the South Carolina Appellate Court Rules.

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Rule 246(a) of the South Carolina Appellate Court Rules, Quotes;

" Rule 246(e) stay in Criminal Cases

(a) stays pending appeal. The service of a notice of appeal by a criminal defendant shall operate as a stay of execution of the sentence until the appeal is finally disposed of; provided, however, in 18-1-80 and 90 (1985) where the sentence exceeds imprisonment for ten years the defendant may only be admitted to bail by an appellate court. Where the state has taken an appeal, the appeal shall automatically operate as a stay of further proceedings in the lower courts."

On January 26<sup>th</sup>, 2012 the defendant was arrested for warrant #455084 indictment # 2012-GS-4601471 for possession of a firearm with the serial numbers obliterated. The defendant posted a \$10,000 bail and was released under S.C. Ann §§ 18-1-80 and 90 (1985). Then on 6/19/2012 the defendant was tried and unlawfully convicted in the 16<sup>th</sup> Circuit General Sessions Court of York County. Immediately following the unlawful conviction the defendant served Notice of Appeal in regards to the unlawful conviction (appellate case # 2012-212338).

Pursuant to rule 246(e) of the South Carolina Appellate Court Rules, "the service of Notice of Appeal by a criminal defendant shall operate as a stay of execution of the sentence until the appeal is properly disposed of." The Appellant was released on a \$10,000 bail posted under S.C. Ann. 18-1-80 and 90 (1985) and the sentence of confinement did not exceed 10 years, therefore the execution of the three year sentence should have been stayed until the appeal was properly disposed of. The Appellant moves the court to grant him his fourteenth Amendment Right of the United States Constitution to equal protection of the laws of this state and hereby

rescind the order of execution of the three years confinement, stay the execution until the appeal is properly disposed of, and order his immediate release from confinement.

Respectfully Submitted

Mr. William T. Climo

Certificate of Service

I, Mr. William T. Coleman do hereby certify that a motion to rescind the order of the execution of the three year sentence to confinement passed down to me by Judge John C. Hayes III and order immediate release from prison pursuant to Rule 246(a) of the South Carolina Appellate Court Rules, a memo to support that motion, a motion to discharge Appellant Counsel and proceed pro-se, and a letter of explanation pertaining to each, was mailed to the South Carolina Court of Appeals for emergency ruling by placing it in the South Carolina Department of Corrections United State Postal legal mail service addressed as follows:

The Honorable Ms. Jenny Abbott Kitchings, Clerk  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

Said motion was taken in the presence of a notary public.  
Signed to and subscribed before me this 09 day of 23<sup>rd</sup>, 2013.

Notary/Witness: Catharine A. Amora

Sign: Mr. William T. Coleman  
Mr. William T. Coleman

Date: Sept 9, 2013

My Commission Expires:  
December 22, 2018

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SC COURT OF APPEALS