

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPELLATE CASE NUMBER
2022-001066

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MAY 29 2025
SC Court of Appeals

The State,

Respondent,

v.

Polo Salazar,

Appellant.

MOTION FOR LEAVE TO
PRESERVE ISSUES

The Appellant Polo Salazar through the undersigned appointed counsel of record Wanda Carter, address the Court in the following particulars:

The Appellant is of the belief that he is being ill advised and coerced to waive rights safeguarded under the South Carolina State Constitution and the United States Constitution of America by current counsel of record who has provided with incompetent and unsound advice wants Appellant's consent to sand bag his substantial merited claims from this appellate review.

The Appellant petitions the Court of Appeals on motion to consider the following course of action when the Court has not sought to review, and rule on Appellant's present issues that is pressing before this Honorable Court of his substantial issues) he now addresses:

1. The Appellant pray respectfully for the Court to adjudicate, providing an remedy, of current counsel to supplement brief pursuant to Rule 227(g)(1), SACH adding to the claims that is already before the Court;
2. Permit or allow Appellant to submit an Anders Brief; or
3. Adjudicate and/or sua sponte ruling to remedy the wrongdoing or the misconduct the Appellant identifies in this case, upon the fair process and justice standards treating such facts to cases similarly situated.

The Appellant issue is that counsel of record attempts to sand bag Appellant's substantial merited claims that is not before the Court by advising Appellant to withhold some of his claims from Appellate Review to which will only cause Appellant's claims for future review proceedings to be procedurally defaulted. See *Murray v. Carrier*, 477 U.S. 478, 106 S.Ct. 2639, 91 L.Ed. 2d 397.

The Appellant is preserving his right to fair process that he would not be treated with invidious discrimination resulting into undue prejudice.

The Appellant submits that this is not to be construed for an hybrid representation ploy, but this ex parte communication is needed to protect Appellant from irreparable harm asking the Court to remedy any potentially ineffective assistance of appellate counsel of record.

The Appellant informs the Court that counsel of record failed to submit any new or additional claims that former attorneys of record presented nor consulted with Appellant to obtain any new facts to which owes a duty to Appellant to conduct a thorough reasonable due diligence investigation of counsel's own for the sole purpose of protecting Appellant's rights, see Rule 407, Rules of Professional Conduct, of the South Carolina Court Rules of Appellate Rules, SCACR.

The Appellant do not wish to waive any rights to a full meaningful review nor attempt to deny the State its full round of review at the 'bite of apple.' The Appellant does not consent to forfeit any rights that he may be entitled to and ask the Court to respect his wishes to preserve his Constitutional Rights

WHEREFORE UPON, the above legal premise the Appellant ask this Court to rule in favor of Appellant and grant the motion ordering a just and equal determination that is appropriate and sound.

Done. This 26 Day of May, 2025.
Respectfully Submitted,

By ~~Sanchez~~
Polo Salazar #385213
Evans Corr Inst.
610 Sc Hwy 9 West
Bennettsville, SC 29512

cc: 11 Attorney of Record
S.C. Attorney General's Office
Clerk of this Court

4.

Sandra Outlaw
EXP DATE 2/28/34

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