

The South Carolina Court of Appeals

The State of South Carolina, Respondent

v.

Mr. William T. Coleman, Appellant,

Appellate Case Number 2012-212338

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OCT 31 2013

SC Court of Appeals

Amended Motion to Discharge Appellate Counsel.

The Appellant, William T. Coleman represented himself during a trial for possession of a firearm June 18th and 19th of 2012. The Appellant was unlawfully convicted and this appeal followed. Appellant has been appointed representation by a member of the Division of Appellate Defense of the South Carolina Commission on Indigent Defense. Before proceeding with any appeal issues the appellant requested his attorney to petition the courts to set him an appeal bond. The attorney refused to provide his client with this objective of representation because he is indigent. Appellant Counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967) and asked to be relieved of his duties and obligations for his Client. The Appellant then filed a pro se brief and joined the Appellant Counsel on his request to be relieved by filing a motion to discharge the attorney and proceed pro se. The Court initially denied the Appellant's motion to discharge the Appellant Counsel. This Amended Motion follows.

I William T. Coleman, appellant, hereby moves this great court to relieve my Appellant Counsel Mr. Robert M. Pachek and to proceed pro se with my appeal. I have a right to an attorney true indeed, I also have a right to represent myself if I choose to do so. I am very competent, drug free, and of sound mind, and body allowing me to make intelligent decisions for myself. For almost a year and some months I have been requesting my attorney to motion for me an appeal bond. He refuses to do so because I'm indigent, saying that I probably wouldn't get a bail because they are only given in rare cases. Pursuant to 18-1-90 of the S.C. ann §§ it states: "Bail shall be allowed to the defendant in all cases in which the appeal is from trial," Because of my appointed Appellant Counsel's refusal to abide by my decisions concerning my objectives of representation he has handicapped my right to seek an appeal bond. I have filed numerous motions for an appeal bond to the 16th Circuit Judicial Court. The Courts will not consider my motion because I'm represented by counsel, yet my Counsel refuses to make the motion for me, which is a blatant violation of SCACR 1.2 Rule 407 of professional conduct. He wouldn't do it for me so I had to do it pro se. Only problem is I can't get an answer because he is my counsel and the courts refused to answer the motion because it was not submitted by Appellant Counsel. Please get him off my case now, I will proceed pro se. Only

then will my actions be considered. Mr. Robert M. Pachrak's representation is a hinderence not a help. I will proceed pro se and I refuse to proceed with his representation of me. I'm not asking you I'm telling you he is fired, discharged from my case by me, and I will proceed pro se. I have a right to do so and I will do fine by myself. The only reason I misconstrued rule 24(2) of the SCACR is because when I discovered it we were on a three week institutional lockdown because a few people had caught the flu. While on lockdown we could not attend the law library or any other access to court function per DHEC's quarantine orders. Unable to recieve court access to see what S.C. Ann 18-1-80 stated I assumed it was talking about the bail I posted prior to trial. My assumption was wrong however it confirmed my need to discharge Robert M. Pachrak and proceed pro se, because I have been requesting him to make a motion for me to be given an appeal bond and he refused to adhere to my objectives of his representation. Therefore I am discharging him so my pro se motions for release on an appeal bond could be answered by the courts. It is well established that accused may waive the right to counsel and proceed pro se. State v. Reed, 332 S.C. 35, 503 S.E. 2d 747 (1998), citing Farette v. California, 422 U.S. 806 (1975) Although a defendant's decision to proceed pro se may be to his own detriment, "it must be honored out of that respect for the individual which is the lifeblood of the law" Id.

Respectfully Submitted
Mr. William T. Clemens

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Certificate of Service

I, Mr. William T. Coleman hereby certify that a motion ordering discharge of Appellant Counsel and notifying the courts that he will proceed pro se has been sent to the clerk of the South Carolina Court of Appeals to be properly submitted in a timely fashion, by placing such in the United States Mail addressed as follows:

South Carolina Court of Appeals
Mrs. Jenny Abbott Kitchings, Clerk
Post Office Box 11629
Columbia, South Carolina 29211

Such motion was delivered with a memo to support because the said facts were explained away in the motion. This action was taken in the presence of a notary public,

Sworn to and subscribed before
me this 28th day of Oct, 2013.

Notary/Witness: Catharine A. Amrose

W. T. Coleman

Date: 10/21/2013

My Commission Expires: December 22, 2018

Date: 10.28.13

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