

STATE OF SOUTH CAROLINA
In The Court of Appeals

The State, Respondent,

RECEIVED

JUN 22 2026

SC Court of Appeals

v.

In re Denardis J. Kilgo, Appellant

Appellate Case No.: 2024-000567

APPELLANT'S WRITTEN
OBJECTIONS

COMES NOW Appellant Denardis J. Kilgo, moves this Honorable Court for an order granting Appellant's written objections in favor of Appellant to intermediate order in accordance § 14-3-330, South Carolina Statute.

The Appellate preserved his substantial rights to appeal to an higher sitting Court for review. The Appellant does not waive nor forfeits his right to appeal in holding the Court abused its discretion and the order issued is in error.

OBJECTIONS

- 1.) The Appellant specifically objects to the portion of the Court order in whole or in part filed June 05, 2026, that specifically states:

page 1 of 3.

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"After careful consideration, Appellant's motion to relieve Counsel and substitute appointed Counsel is denied."

The basis for this specific objection is Appellant submitted to the Court there exist reasons why Appellate Counsel of Record Gary Johnson, Esquire should be substituted and withdrawn from his case. The Appellant initially proffered a copy of correspondence between Appellant and his appellate counsel to show the Court that relieve of Counsel is necessary to cure appellate counsel errors and prejudice he received thereby because of this misrepresentation and he would more than likely be denied fair process.

The Appellant demonstrated to the Court that the Court abused its discretion when applying the law and analysis to the set of facts to the liberal construction of Appellant claims of Sixth Amendment Violations such as ineffective assistance of counsel and conflict of interest to discern both the nature of the relief sought and the findings to determine the appropriate law to govern the request. Thus, the Court ruled contrary to *Martinez v. Ryan*, 566 U.S. 1, 132 S.Ct. 1309, 182 L.Ed. 2d 272.

The Court had misconstrued Appellant's claims to selection of choosing a preferred attorney and this construction is arbitrary and the denial of substitution of Counsel is error.

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In Accordance to *Martinez v. Ryan*, 566 U.S. 1, 132 S.Ct. 1309, 182 L.Ed.2d 272, if the attorney appointed by the State to pursue the direct appeal is ineffective, the prisoner has been denied fair process and the opportunity to comply with the State's procedures and obtain a(n) adjudication on the merits of his claims; quoting *Coker v. Thompson*, 501 U.S. 722, 111 S.Ct. 2546, 115 L.Ed.2d 640, 59 USPQ2d 4789. "Attorney error that it constitutes a violation of petitioner's right to counsel, so that error must be seen as an external factor, i.e., imputed to the State." See also Restatement (Second) of Agency § 242 (1958), Master is subject to liability for harm caused by negligent conduct of servant within the scope of employment.

The Appellant is subjected to unfairness as a result of Appellate's Counsel own admissions and actions that continues to deny Appellant a substantial right the Sixth Amendment United States Constitution safeguards. When the Appellant intended to make the Court aware he was not granted a(n) available remedy after he was denied a(n) effective counsel.

WHEREFORE UPON, the Appellant ask the Court to consider the merits and legal premise when adjudicating the law.

Done this 15th Day of June, 2020
Respectfully,
Is [Signature]
Counsel

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APPEAL FROM GREENVILLE COUNTY
Honorable Grace G. Knie, Presiding Circuit Judge
Appellate Case No.: 2024-000567

SC Court of Appeals

The State of South Carolina,

Respondent,

v.

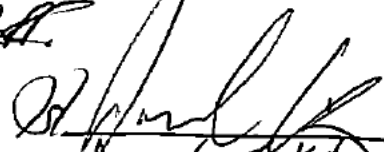
In re Denardis Tarnant Kilgo,

Appellant.

PROOF OF SERVICE

I, Denardis T. Kilgo, certify that I have served written objections on Gary H. Johnson, of the Office of the South Carolina Commissioner on Indigent Defense, Division of Appellate Indigent Defense by depositing a copy of it in the internal mailing system at Lieber Correctional Institution on June 15, 2026, and being prepared for service by Lieber's stationmaster.

June 15, 2026
Dated


Denardis T. Kilgo

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Denardis J. Kilgo
SCDE # 359877
Lieber Correctional Institution
Post Office Box 205
Ridgeville, SC 29972

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SC Court of Appeals

June 15, 2026

Tenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Office of the Clerk
Post Office Box 1629
Columbia, SC 29211

Re: The State of South Carolina v. Denardis J. Kilgo
Appellate Case No.: 2024-000567
Written Objections

Dear Madam Kitchings:

ENCLOSED PLEASE WILL YOU FIND One(1) Written
Objections to Court Order dated Filed June 05, 2026. Would you please file this
ex parte communication to preserve issues raised before this Court for an
sitting higher Court review.

Also, I am in receipt of Court Order dated Filed June 05, 2026,
on June 12, 2026, and ask the Court to consider the mailbox rule in accordance
to *Horton v. Lack*, 482 U.S. 266, 108 S.Ct. 2379, 101 L.Ed. 2d 245 (1988); and
SCRPC Rule 51, Objections Courts should provide and opportunity for the objection
party to make the objection. South Carolina Rule of Appellate Procedure 14-330

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Yours Truly,
Denardis J. Kilgo

David's T. Kipps #359897
LRC-Max A #110
Lieber Correctional Institution
Post Office Box 205
Ridgely, SC 29472

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SC Court of Appeals

Jenny Abbott-Bledsoe, Clerk
South Carolina Court of Appeals
Office of the Clerk
Post Office Box 11629
Columbia, SC 29211

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JUN 18 2026

MAIL ROOM
LIEBER C.I.