

In The South Carolina Court OF Appeals

The state, The Honorable:
Jeffery young

John W. Weeks, solicitor
C. DAVID HAYES, Atty For
Defendant Respondents

V.

Brian Z. Morton
Appellant

CASE # 2013-00031768
Order #

Notice And motion
To Appeal The order
Denying motion To Relieve
Counsel, And set Bond

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JUN 30 2014

SC Court of Appeals

To: The Honorable Judge: presiding The 11th Cir. Court of Appeals; John W. Weeks

now Comes The (prose) Appellant Above named who Heroby moves This Honorable court For An order Demanding The Aiken County General sessions 2nd Cir Judge Above named; To Grant my Request To Relieve my court Appointed Attorney C. DAVID HAYES OF The Aiken County public Defenders OFFice; The issues And Circumstances In support OF This Appeal Are Clearly expressed Herein.

CASE History

The Appellant contends That At His initial Filing OF His motion To Relieve Counsel For Appellant/ Defendant That His motion was Denied by The Honorable Judge Doyet E. EARLY on Oct, 2013 And Again by The Honorable, Judge Cooper on The 3rd order denying my Request was executed by The Honorable Jeffery Young on June 18th 2014, my Request And or motion WAS

supported by Facts so as to constitute the wilful and intentional^{P. 2} conduct of C. David Hayes to work against my best interests. The conflict of interest issue wherein me and one other co-defendant is represented by counsel from the Aiken County public Defenders office, therewith putting me in a compromising position, to wit my alleged co-defendant's intent to testify for the prosecution, and may gain access to information to compromise the case.

This as well as other extricating circumstances, progent information was presented in those hearings, to include but not limit to a direct violation, or non-compliance with Rule # 1.3 and 1.4 of the S.C. Rules of professional conduct, to wit counsel's timid conduct to coerce me to plea via misinforming me with false information that I was indicted and scheduled for trial the upcoming week, I corresponded with the clerk of court in the 2nd Cir only to find out per her reply with documentation that I had not been indicted or had I been placed on the trial docket for the upcoming sessions of Aiken County General session court.

I subsequently presented a factual basis as to show that counsel's service did not rise to the standard of Strickland v. Washington or did his conduct reflect that he has intent to protect the integrity of his profession.

These facts, and circumstances were presented at each hearing, each judge presiding denied my request, counsel's own record made in open court indicate that he and his client (myself) has irreparable conflict and therefore cannot compound a mutual interest. I needed in order to prepare meaningful defense.

Compon. A mutual interest, needed in order to prepare a meaningful defense - P30F

Fact of The Case / Bond Issues

my (Defendant's) GUARANTEE, and opportunity to present a complete defense as provided in Holmes v. South Carolina 547 U.S. 319 2006 HAS been DESTROYED therefore the only remedy out of fundamental fairness would be to relieve C. David Hayes of Counsel and re-appoint pursuant to SCACR # 408 as I am without funds or means to afford adequate counsel as provided by the 6th Amend. of the U.S. Constitution.

I have not at this time been determined by any one (1) or set of facts presented that there is probability that I committed this offense alleged against me, notwithstanding the record shows via testimony in open court by solicitor John W. Weeks that there may be at least six (6) additional months before a trial date may be determined.

Conclusion

The Appellant ReAllege And Incorporates All Issues, Circumstances To be Genuine And or pertinent To The Above Related matter, Holding That The Circuit Court Judge Erroed In not Granting Appellant's motion To Relieve Counsel And Granting A Reasonable bond, AS The solicitor John W. Weeks by His own Admissions In open court Confirm That The prosecution Had not set A Date For Trial, or Is A Date In view For The Future.

I Am ~~maintaining~~ my Innocence In The matter AS There may be prosecutorial misconduct involved.

The Appellant PRAYS This Respective Court In Its Jurisdiction Reverse In Full And Remand The lower court's Ruling That counselor C. David Hayes may Remain AS Appointed Counsel For The Appellant.

June, 20th 2014
Aiken, S.C. 29801

Sincerely
I Remain
Bin M

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The State, The Honorable:
Jeffery Young, John W.
Weeks, solicitor Atty: C.
David Hayes Respondents

v.

Brian Z. Morton
Appellant

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Certificate of
Service

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I, Brian Z. Morton (Prose) Appellant in Above Captioned Case do Here by Certify That I Have Served A True Copy OF The Forgoing Documents Upon The Following Individuals by Depositing The Same In The U.S. Mailing System At The Aiken County Detention Center, Affixed With proper postage And Addressed To The Following.

The Honorable: Judge Jeffery Young
Solicitor: John W. Weeks
Aiken County Judicial Center
P.O. Box 583
Aiken, S.C. 29802-0583

Brian Z. Morton
ACDC
435 Wire Rd
Aiken, S.C. 29801

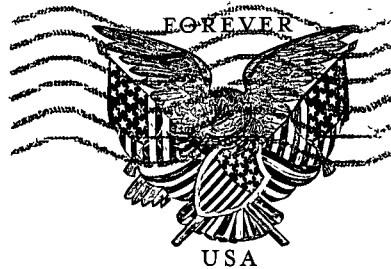
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SC Court of Appeals



To: The Clerk of S.C. Court of Appeals
1015 Sumter St
Columbia, S.C. 29201

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