

State of South Carolina  
Court of Appeals

South Carolina

✓  
Richard K. Poe  
Appellant

RECEIVED

AUG 28 2014

SC Court of Appeals

Affidavit

2013-001239

Objection To  
Motion To Correct  
Record

Facts

First and foremost, Sean Francis Cronin refused to perfect an appeal for Poe, even after Poe requested he do so June 4, 2013. Cronin is saying he saw no arguable issue for appeal.

Cronin's actions on June 4, 2013 placed Poe in a situation of writing a letter of intent to appeal his conviction. Order from Court of Appeals dated May 29, 2014 states the Court requested necessary documentation from Cronin and he blantly refused, causing appeal to be dismissed. See Exhibit.

However, on August 22, 2014 Cronin has filed a Motion For Correction of Record with an affidavit in which asserts Honorable Court of Appeals officials have lied in their order dated May 29, 2014. Cronin states in his affidavit Line (11), that he was not asked for copies of sentencing sheet "redacted" and a proof of service. Cronin further states he did not promise to do so.

The record clearly reflects Sean Cronin's ineffectiveness in his representation on Poe's behalf and violation of his due process rights, and therefore his request for correction must be denied, and record remain as is.

Moreover, Poe seeks an order of protection in keeping Cronin from trying to 'Muddy the water' so to speak by filing unnecessary pleadings to correct his errors, and further delaying Poe's rights to redressing ineffectiveness, invalid conviction.

Ander V. State of Cal. 386 U.S. 738 S.Ct. 1396, U.S. Cal 1967. "Appointed counsel's role as advocate requires that he supports his clients

appeal to the best of his ability. Defendant was denied required fair procedure and equality.

A handwritten signature in black ink, appearing to read "J. [unclear]".

Witness to and subscribed before me  
on 27th day of August, 2014  
S. Ouellet  
(Notary Public of South Carolina)  
My Commission Expires 2/24



# The South Carolina Court of Appeals

The State, Respondent,

v.

Richard Keith Poe, Appellant.

Appellate Case No. 2013-001239

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## ORDER

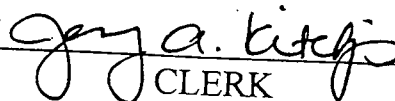
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On June 5, 2013, the appellant filed a pro se notice of appeal with the Supreme Court. The Supreme Court transferred the appeal to the Court of Appeals for disposition. On November 6, 2013, this Court sent a deficiency letter to attorney Sean Francis Cronin, requesting a redacted copy of the sentencing sheet and a proof of service showing the notice of appeal was timely filed. Mr. Cronin never responded to the letter from the Court. We made several more attempts to get the necessary documents from Mr. Cronin by calling him on April 11, 2014, and on May 8, 2014. Mr. Cronin promised to send the necessary documents to the Court. To date, we have not received any further correspondence from Mr. Cronin.

Accordingly, this appeal is dismissed for failure to show timely service of the notice of appeal in compliance with Rule 203(b)(2) of the South Carolina Appellate Court Rules (SCACR) and failure to file a copy of the order challenged on appeal as required by Rule 203(d)(1)(B)(ii), SCACR. Remittitur will be sent according to Rule 221(b), SCACR.

FOR THE COURT

BY

  
CLERK

Columbia, South Carolina

cc:

Richard Keith Poe  
Robert Michael Dudek, Esquire  
Sean Francis Cronin, Esquire  
Salley W. Elliott, Esquire

FILED

May 29, 2014

5. The date upon which sentence was imposed and the terms of the sentence:

- (a) June 4th of 2012
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

6. Check whether a finding of guilty was made:

- (a) after a plea of guilty
- (b) after a plea of not guilty Convicted during Pretrial Motions
- (c) after a plea of nolo contendere \_\_\_\_\_

7. Did you appeal from the judgment of conviction or the imposition of sentence?

8. If you answered "yes" to (7), list:

- (a) the name of each Court to which you appealed:
  - i. 1st CA
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

- (b) the result in each such Court to which you appealed:
  - i. NA
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

- (c) the date of each such result:
  - i. NA
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

- (d) if known, citations of any written opinion or orders entered pursuant to such results:
  - i. NA
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

9. If you answered "no" to (7), state your reasons for not so appealing:

- (a) Council Sentencing Commission Refused to \*
- (b) File appeal

2014-001239

Mrs. Kitchen,

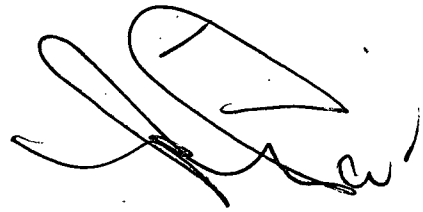
Please find enclosed objection to Sean F. Cronin  
motion to correct record.

Richard K. Poe 259297

E.C.T.

610 Hwy 9 West

Dennettsville SC, 29512



Aug 27-14

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AUG 28 2014

**SC Court of Appeals**

Richard Poe 25929M  
E.C.T  
610 Hwy 9 West  
Bennettsville SC  
29512

SCBC

JUN 23 2012

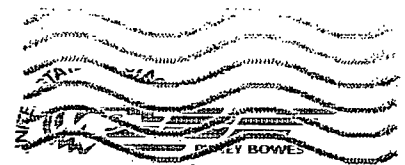
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COLUMBIA SC 290

27 AUG 2014

AUG 27 2014

Cherk of Court  
Mrs. K. Tchingo  
PO Box 11629  
Columbia SC 29211



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**SC Court of Appeals**

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