

State of South Carolina  
County of Greenville

General Sessions  
Thirteenth Judicial Circuit

State of South Carolina,  
Respondent,

Case No: 2013-GS-23-3419

vs.

2013-GS-23-3420

2013-GS-23-6402

Vincent Missouri,

Defendant.

Intent To Appeal Pre-Trial Ruling  
Pursuant To S.C. Code §14-3-330(2)

Comes now, Vincent Missouri, appearing in pro-se capacity under the liberal standard outlined in Haines v. Kerner, 404 U.S. 519 (1972); to move this Court of Appeals for the State of South Carolina, by and through Greenville County Clerk's Office, to appeal (immediate appeal) two denials of (1) Defendant's Sixth Amendment right to choice of counsel; as well as (2) Defendant's Sixth Amendment right to represent himself.

(1)

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**SC Court of Appeals**

The first denial was committed by the honorable Judge Letitia H. Verdin, on December 19, 2013 in the following criminal cases [2012-GS-39-2202; 2012-GS-39-2203; and 2012-GS-39-2204]. Whereas, this defendant was arrested on June 18, 2012 in Pickens, South Carolina. And invoked his rights to (1) Choice of Counsel and (2) his choice being himself, on June 26, 2012. Defendant encloses "a stamped filed copy". Such rights were arbitrarily denied on December 19, 2013, and trial began with "counsel being technically forced upon the defendant, in clear violation of U.S. v. Gonzalez-Lopez, 548 U.S. 140 (2006); and Faretta v. California, 422 U.S. 806 (1975). See also State v. Barnes, 407 S.C. 27, 753 S.E.2d 545 (2014).

Upon notice to seek a Life Sentence Enhancement, based on the separated above Pickens conviction on May 19 and 20, 2014. Defendant was hurled to the Greenville County on Friday, September 5, 2014. And "again" arbitrarily denied (1) Choice of Counsel and (2) the right to self representation, by the same judge that did so on December 19, 2013<sup>3</sup> in Pickens, South Carolina. Whereas, the Pickens trial convened with a "immediate appeal" being filed on December 22, ~~2013~~ 2013<sup>3</sup>, with the enclosed exhibits, concluding the court was aware of the pending (or should have been) appeal when the May 19, 2014 trial began.

The importance of this appeal is being filed directly to the Court of Appeals Office in Columbia, South Carolina, with a additional original filed through the Clerk of Court, in Greenville, South Carolina. Based on the December 22, 2013 disregarding of an "immediate appeal" by this same Judge.<sup>4</sup>

Second, is the jurisdictional nature of Title §14-3-330(2) since it is filed through the Clerk of Court and/or the adjudicator. In other words, §14-3-330(2) permits for an "immediate appeal" whenever a circuit court denies a party's right to a particular mode of trial for which the party is entitled to as a matter of a substantial right. Gonzalez-Lopez and Faretta, which have been arbitrarily denied, are those rights.

Moreover, "once such appeal has been filed [i.e. on December 22, 2013 and this instant appeal from the September 5, 2014 denial] it confers jurisdiction on the court of appeals and divest the lower court of its control". See Criggs v. United States, 459 U.S. 56, 58 (1982).

So, although there does exist a intent to seek a life sentence premised on the May 19, 2014 conviction in Pickens

Pro-se motions to relieve counsel are not barred by the Supreme Court directive. For which this appeal is being taken.

South Carolina. Such intent is nullified by clear and convincing evidence that Pickens General Sessions Court convened (1) without assuring itself of subject-matter-jurisdiction; (2) in violation of defendant's Choice of Counsel, and (3) in violation of Defendant's irrefutable right to represent himself.

Moreover, and in conclusion, defendant is being held at this moment unlawfully and unconstitutionally, in violation of his Fifth, Sixth and Fourteenth Amendment rights, under the United States Constitution. And have kept the federal court completely apprised relating to the chain of events here. See Case No: 8:14-cv-00035-MGL-JDA. However, the federal court instructed defendant to seek state relief first. State appeal that was filed on December 22, 2013 was totally ignored. But not only that, the "same judge" within the "same judicial circuit" comes back on September 5, 2014, and commits the "same error". Rendering this unlawful imprisonment being seemingly intentional. For these reasons, defendant "again appeals" the September 5, 2014 ruling at pre-trial. And request consolidation with the December 22, 2013 pre-trial appeal. Whereas it relates to a jurisdictional question. For which South Carolina Supreme Court explains, can be raised at any time. See State v. Pierce, 338 S.C. 139, 526 S.E

2d 222 (2000); Brown v. State, 343 S.C. 342, 540 S.E.2d 846 (2001).  
And that question being; "whether Pickens Court of General Sessions  
on May 5, 2014" retained subject-matter-jurisdiction (which  
could not have been waived by the defendant), in light of an  
"immediate appeal" to a erroneous pre-trial ruling. That  
§14-3-330(2) confers jurisdiction to this court of appeals?

If that court did not have jurisdiction, this Court of Appeals  
has the authority as well as obligation, to reverse that con-  
viction. And defendant prays for such relief and other relief  
as warranted for the appeal here, of the September 5, 2014  
pre-trial ruling. And any additional relief deemed proper under  
Due Process grounds.

Respectfully Submitted,  
1st Vincent Missouri  
Vincent Missouri, #197796  
Broad River Corr. Inst.  
4460 Broad River Road  
Columbia, S.C. 29210

cc: 13<sup>th</sup> Jud. Cir. Sol.  
S.C. Ct. of Appeals  
Symes Colbert  
filed 9-8-2014

(5 of 5)

Certificate of Service

I, Vincent Missouri, do hereby certify that I have mailed a copy of this "immediate appeal" in accordance with § 14-3-330 (2) from the September 5, 2014 order in pre-trial, denying defendant's request for (1) Choice of Counsel and (2) Self Representation.

A copy has been forwarded to all party's. And a original has been mailed to the S.C. Court of Appeals, or a copy thereof, based on past experience with the Thirteenth Circuit Clerk's Office and/or judges failure to address or move the appeal.

Defendant deposits these items on 9-8-2014, by giving them to prison officials at the Broadriver Institutional Mailroom.

Assistant Solicitor  
305 E. North Street, Suite 325  
Greenville, S.C. 29601

Vincent Missouri  
Vincent Missouri #197996

Mrs. Symes Culbertson  
305 E. North Street, Rm 123  
Greenville, S.C. 29601

S.C. Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

(1)

9-8-2014



12/19/2013; 12/30/2013

State of South Carolina  
The Circuit Court of the Thirteenth Judicial Circuit

Letitia H. Verdin  
Judge

Greenville County Courthouse  
305 East North Street, Suite 318  
Greenville, SC 29601-2120  
Phone: (864) 467-8448  
Fax: (864) 467-8504  
lverdin@sccourts.org

To: Vincent Missourie  
GCDC  
20 Mc Gee Street  
Greenville SC 29601

From: Letitia H. Verdin

Date: December 30, 2013

I have received your <sup>letters</sup> letter of 12/19 & 12/23/13 response is checked below. The applicable

It is improper for a judge to receive such a communication outside of court and off the record regarding a case. Therefore, I have disregarded your letter and am returning it to you. Please do not attempt to communicate with me other than in-court, on the record and with notice to all parties concerned.

This court no longer has jurisdiction over your case. More than ten (10) days have passed since your sentence date.

SCDC has the exclusive authority to compute sentences, including credit for time served. Therefore, you must follow the SCDC grievance procedure if you disagree with their calculations.

I suggest you contact your attorney directly.

I suggest you contact the Probation Office.

I suggest you contact the Solicitor's Office.

Your Motion must be filed with the Clerk's Office, therefore I am returning the same to you.

cc: David Angell, Attorney at Law

State of South Carolina }  
County of Pickens }

General Sessions Court  
Thirteenth Judicial Circuit

State of South Carolina,  
Respondent,

vs.

Case No: 12-GS-39-2202; 12-GS-  
39-2203; 12-GS-39-2204

Vincent Missouri,

Defendant.

Intent To Appeal "Pre-Trial" Ruling

Comes Now, Vincent Missouri, appearing in pro-se capacity to "appeal his motion to relieve counsel", heard before the honorable Judge Verdin, at the Pickens County Courthouse, on December 19, 2013.

Judge Verdin's ruling is in direct conflict with a United States Supreme Court decision, See Farratta v. California, 422 U.S. 806 95 S.Ct. 2325 (1975). At such time it took to deny Missouri of this entitled Constitutional right. Other important pre-trial motions could have been addressed.

Respectfully Submitted,  
Vincent Missouri

Vincent Missouri  
20 McGee Street  
Greenville, S.C. 29601

cc: filed  
12-22-2013

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SC Court of Appeals

Mr. Vincent Missouri, #197996  
Broad River Corr. Institution  
4460 Broad River Road  
Columbia, S.C. 29210

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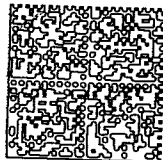
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