

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

Robert L. Garrett Jr., #291096
Appellant,

v.

State Of South Carolina,
Respondent.

IN THE SUPREME COURT

APPELLATE CASE NO. 2014-001712

RECEIVED

NOV 17 2014

SC Court of Appeals

MOTION TO BE APPOINTED OUTSIDE COUNSEL

The undersigned respectfully shows the Court:

1. I, Robert Louis Garrett Jr., currently an "indigent/pro se litigant" for this matter, filed a Notice Of Appeal, Motion To Transfer Case And Motion For Appointment Of Outside Counsel back on 31 July 2014 with this Court.
2. On 18 August 2014, Appellant received a copy of this Court's 13 August 2014 Order transferring this matter over to the South Carolina Court Of Appeals' jurisdiction.
3. On 30 August 2014, Appellant filed an additional motion (Entitled "Motion To Be Appointed Outside Counsel; With ten Exhibits labelled 1x-10x); The said motion and exhibits put forth uncontroverted evidence that it is a "Conflict Of Interest" for the South Carolina Commission On Indigent Defense to represent him. (See copy of attached motion and exhibits Labelled Exhibits 1-9) *RLGJ*
4. Appellate holds the position that the Court Of Appeals denied the said motion NOT ON IT'S MERITS, but because it was a "pro se" motion; As there is/was no legal reason for them not to grant outside counsel in this case where there is an obvious and blatant conflict of interest between Appellant and the herein referenced Commission.
5. An elementary review of State v. Garrett (350 S.C. 613, 567 S.E. 2d Ct. Appeals 2002; Unpublished Opinion No. 2004-UP-466 September 15, 2004) and State v. Henson (407 S.C. 154, 754 S.E. 2d 2014) will CLEARLY AND CONCLUSIVELY show that the Court Of Appeals erred on a few occasions in the past, and moreso, this Honorable Court likewise erred on a few occasions by not correcting the Court Of Appeals' erroneous 10 June 2002 Reverse And Remand For Sentencing of Appellant's trial judge's GRANT OF A NEW TRIAL WITH NO CODEFENDANT AND HIS NEUTRAL PRONOUN RIDDLED CONFESSION INVOLVED.
6. As it is ABUNDANTLY EVIDENT that the above referenced grant of a ^{new} ~~trial~~ trial should be reinstated, Appellant respectfully ask that this Court reinstate the said grant of a new trial or in the alternative, intervene in this matter and grant Appellant competent and effective outside counsel. *RLGJ*
7. Failure to grant this motion in part or in whole will assist in keeping an INNOCENT MAN further detained, so Appellant begs this Court to intervene on his behalf as EXTRAORDINARY CIRCUMSTANCES EXIST IN ABUNDANCE.

3 November 2014 *RLGJ*

With Truth And Grace,
Robert L. Garrett Jr.
Robert L. Garrett Jr.

RLGJ

STATE OF SOUTH CAROLINA)

COUNTY OF SUMTER)

Robert Louis Garrett Jr., #291096)

Appellant,)

Vs.)

State of South Carolina,)

Respondent.)

IN THE COURT OF APPEALS

APPELLATE CASE NO 2014-001712

MOTION TO BE APPOINTED
OUTSIDE COUNSEL

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NOV 17 2014

SC Court of Appeals

The undersigned respectfully shows the Court:

1. I, Robert Louis Garrett Jr., currently an "indigent/pro se litigant" for this matter, filed a Notice Of Appeal, Motion To Transfer Case And Motion For Appointment Of Outside Counsel back on 31 July 2014 with the South Carolina Supreme Court.

2. On 18 August 2014, Appellant received a copy of the South Carolina Supreme Court's 13 August 2014 Order transferring this matter over to this Court's jurisdiction. (See Exhibit IX)

3. Appellant's case involves an assortment of appeals that were previously filed in this Court, but due to the South Carolina Supreme Court's "new standard" regarding the "Confrontation Clause and Non-testifying Co-defendant's Redacted Statements" (See State v. Henson 407 S.C. 154, 754 S.E. 2d 2014; Appellate Case No 2011-204008), this Court now holds the duty of correcting it's prior rulings that overturned Appellant's trial court's "grant" of a "New Trial With No Co-defendant Involved" back in June 2002.

4. Appellant is indigent and has had to rely on the South Carolina Commission on Indigent Defense to represent him on "three prior

occasions", and Appellant raised "ineffective assistance of counsel" claims on two different attorneys from the said Commission. (See Exhibits 2X, 3X, 4X, 5X, 6X, 7X and 8X)

5. On the last of the above referenced occasions, Appellant's appointed counsel, Kathrine H. Hudgins, filed a Motion To Be Relieved From Representation and Motion For Appointment of Outside Counsel; Said counsel filed the said motions after Appellant brought it to her attention that it would likely be a conflict of interest for anyone from the herein referenced Commission to represent him. (See Exhibit 9X, 10X)

6. The primary issue in this appeal is straight forward and will not require thirty years of experience to craft and perfect, however this matter will involve this Court having to revisit several of it's prior rulings, so Appellant merely begs this Court to appoint him "competent counsel" who can at least meet with him once during the course of perfecting this appeal.

7. As it is highly probable that it will be a conflict of interest for the South Carolina Commission On Indigent Defense to represent Appellant, he respectfully ask this Court to grant this motion, and appoint him "competent/effective counsel".

RLGJ

²¹⁶³
30 August 2014

With Truth And Grace,
Robert L. Garrett Jr.
Robert L. Garrett Jr.
Pro Se Appellant

Exhibit 2
3 November 2014

Exhibit 1X
30 August 2014 Enclosure

Supreme Court Transfer Order

The Supreme Court of South Carolina

The State, Respondent,

v.

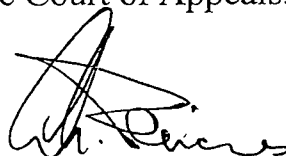
Robert L. Garrett, Jr., Appellant.

Received 18 Aug 2014
RLGJ

Appellate Case No. 2014-001712

ORDER

Appellant has filed a notice of appeal from an order of the circuit court denying appellant's motion for a new trial based on after-discovered evidence pursuant to Rule 29(b), SCRCrimP. Appellant moves for the appeal to be transferred to this Court and for the appointment of outside counsel. We have construed appellant's request as a motion for certification pursuant to Rule 204(b), SCACR. The motion is denied and this appeal, including appellant's motion for the appointment of outside counsel, is hereby transferred to the Court of Appeals. Rule 203(d)(1)(A), SCACR.



J.

FOR THE COURT

Columbia, South Carolina

August 13, 2014

cc:

Alan McCrory Wilson, Esquire
Robert Louis Garrett, Jr.

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SC Court of Appeals

PAGE FROM PCR Application Regarding
INEFFECTIVE ASSISTANCE OF APPELLATE
COUNSELS

(b) N/A

(c) N/A

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) Due Process Violations/Speedy Trial Violation

(b) Ineffective Assistance of Counsels

(c) Prosecution Misconduct

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) See next page for brief summary; Full argument will be in Amended Application by appointed counsel.

(b) See next page for brief summary; Full argument will be in Amended Application by appointed counsel.

(c) See next page for brief summary; Full argument will be in Amended Application by appointed counsel.

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? yes

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? yes

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? no

(d) any other petitions, motions or applications in this or any other Court? yes

13. If you answered yes to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. Applicant's Letter/Motion For Dismissal (Speedy Trial Violation), 8-7-98

ii. Applicant's Trial Counsel's Motion For Speedy Trial, 12-23-98

iii. Applicant's Letter/Motion For Dismissal (Speedy Trial Violation), 8-12-99

iv. Applicant's Letters/Motion (Speedy Trial Violation), 11-19-99, 11-26-99

—CONTINUED ON NEXT PAGE—

(b) the name and location of the Court in which each was filed:

i. SC Supreme Court, P.O.Box 11330, Columbia, S.C. 29211

ii. Sumter County General Sessions, 141 North Main Street, Sumter, S.C. 29150

iii. SC Supreme Court, P.O.Box 11330, Columbia, S.C. 29211

—CONTINUED ON NEXT PAGE—

Exhibit 4
3 November 2014

Exhibit 3X
30 August 2014 Enclosure

11. State concisely and in the same order the facts which support each of the grounds set out in (10): ^{PCR Application, Ineffective Assistance of} _{Appellate Counsels}
- To be brief, in support of the grounds for relief because of the Due Process Violations, Speedy Trial Violations, Ineffective Assistance of Counsel, and Prosecution Misconduct, Applicant shows as following:
1. Applicant has been denied his Constitutional Rights to Due Process of law and a Fast and Speedy Trial and, under the Barker v. Wingo criteria set forth by the Supreme Court he should have never been taken to trial.
 2. Had Applicant not had several cases pending against him back in December 1999 when the Supreme Court took his case under consideration, Applicant is certain the Court would have dismissed the case to which Applicant is now being illegally held on and ordered his immediate release.
 3. State asserted to Supreme Court that they would try Applicant on one if not more of his cases in September 1999 or November 1999 terms of Court and, further laid out in explicit terms the forty (40) something charges to which they had indicted Applicant on, making it seem to the Court that Applicant was a menace to society. Applicant wonders now how the State can explain to the Supreme Court of South Carolina or any other Court why they still have not tried Applicant on any of those other charges even though he demanded Speedy Trials on numerous occasions.
 4. Applicant will file new Motion For Dismissal within the next sixty (60) days if he is not tried on the said charges.
 5. Applicant has an assortment of letters from Clare admitting that she felt she was committing malpractice because she had too many clients to represent. PCR counsel (Brooks) failed to have her at PCR hearing so the letters could be made a part of the record and prove that she admitted that she was ineffective, thus relinquishing Applicant's burden to prove both prongs that she was ineffective.
 6. Clare represented two of Applicant's co-defendants (Andre China and Samuel Tenoney), which is a clear conflict of interest and, when Applicant brought it to Clare's attention that he knew she was representing the said co-defendants, she got belligerent, disrespectful, and down right unprofessional with Applicant, going so far on one occasion to make slurs about Applicant's mother in one of her letters. Applicant has the letters to and from Clare (To include letters with her admitting she was committing malpractice and talking about Applicant's mother), and he will have them to present at the first Evidentiary Hearing for this case.
 7. Said letters will prove that because Clare was so overworked, because she could not effectively represent Applicant, because of that and the fact that she was representing two of Applicant's co-defendants who wrote statements against Applicant but later recanted, because she did not want to except help from the NLPA and because of her overall performance, her deficient performance severely prejudiced Applicant and did not allow him Due Process of law and effective assistance of counsel.
 8. Applicant's first letter to Pachak advised him about severe conflict of interest with him due to the fact that Clare had represented Applicant on State's Direct Appeal and, she was in the same office with him so, it would be extremely hard if not impossible for him to raise such issues against his co-worker.
 9. Applicant counsel (Pachak) didn't respond to the said letter nor did he respond to any of Applicant's other letters and for further insult, he never sent Applicant copies of any briefs or motions he filed on Applicant's behalf and he actually sent Applicant a copy of one of his other client's briefs by mistake.
 10. Pachak should have filed a Motion To Be Relieved as Counsel just like his co-worker Hudgins did when Applicant advised her that a conflict of interest existed because Pachak had once represented him and because he didn't, Applicant's Direct Appeal was not effectively argued because it was void of Applicant's key arguments from trial.
 11. Pachak purposely did not come to Applicant's PCR hearing because of his criminal conduct towards Applicant and, Applicant's PCR counsel was likewise grossly ineffective for not making sure Pachak and Clare were present at the said hearing. Even a mediocre review of the record with all of the facts will show that all three counsels were ineffective; It was as if they were washing each other's backs.
 12. Brooks told Applicant a bold faced lie at PCR Hearing in that he told Applicant that since the majority of his witnesses were not present, they would continue his hearing to a later date when all of them could be there; Co-defendants were going to testify that they had in fact lied on Applicant on their first statements to investigators because they were coerced and they wrote additional statements recanting, and of course neither Clare nor Pachak were present either.
 13. Because none of the herein referenced individuals referred to in number (12) were present at PCR hearing, PCR Court did not have even a third of the facts in Applicant's case in which to make a sound judgement.
 14. Applicant is willing to take a lie detector test to prove to the Court that Brooks lied to him; He doubts very seriously if Brooks will submit to one.

15. Applicant plans to send out either an official complaint to the Bar Association or file a civil action against Brooks for his part in violating Applicant's Constitutional and Human Rights.
16. Brooks performance was grossly deficient and there was an assortment of prejudices to Applicant as a direct result of his deficient performance.
17. Brooks was re-appointed to represent Applicant on appeal of PCR and should have filed a Motion To Be Relieved as Counsel because Applicant advised Court that he was grossly ineffective at Applicant's hearing so, the likelihood of him being ineffective on the said appeal was highly probable and expected.-
18. Applicant with the help of an attorney with his best interest at heart and not merely being a puppet for the State in helping keep Applicant illegally incarcerated, and their investigator will easily demonstrate and show that his attorneys' deficient performances greatly violated Applicant's Constitutional Rights and failure to appoint counsel and hear all of the facts with this case will result in a fundamental miscarriage of justice.
19. Because of an assortment of procedural irregularities Applicant has been denied Due Process of law and moreso, because Applicant did not receive a "full bite" at the apple on his first PCR and the system has failed to hand out justice; The only remedy at this point is to set up a Evidentiary Hearing so Brooks can explain on the record how he could have possibly effectively represent Applicant when he did not have all of the motions, transcripts, and other pleading filed during stages in Applicant's case.
20. Applicant has a meticulous file that him and his appointed counsel will present to the Court to prove beyond a shadow of a doubt that Applicant is being illegally detained and, with the testimonies of his herein referenced co-defendants at his PCR hearing telling the truth, the Court will be forced to set a new "Landmark Case" and grant Applicant his requested relief.

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

Exhibit 5x
30 August 2014
Enclosure
PCR Application; Ineffective Assistance of Appellate Counsel

Exhibit C
5 November 2014

- (a) See next page for brief summary.
- (b) _____
- (c) _____

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? no
- (b) your trial, if any? yes
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? yes

18. If you answered yes to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. I.S. Leevy Johnson; Johnson, Toal and Battiste
1615 Barnwell St., P.O. Box 1431, Columbia S.C. 29202
 - ii. Aileen P. Clare, Appellate Defense
1205 Pendleton Street, Room 306, Columbia, S.C. 29201
 - iii. Robert M. Pachak, Appellate Defense
1205 Pendleton Street, Room 306, Columbia, S.C. 29201

—CONTINUED ON NEXT PAGE—

- (b) the proceedings at which each such attorney represented you:
 - i. Johnson represented Applicant at trial and at his sentencing hearing held three years later.
 - ii. Clare represented Applicant on the State's Direct Appeal of Judge Westbrook's grant for Applicant to receive a new trial.
 - iii. Pachak represented Applicant when Applicant filed his Direct Appeal.

—CONTINUED ON NEXT PAGE—

Exhibit 7
3 November 2014

Exhibit 6X
30 August 2014 Enclosure
PCR Application

16. If any ground set forth in (10) has not previously been presented to any Court, State, or Federal, set forth the grounds and state concisely the reasons why such ground has not previously been presented:

(a) Charles T. Brooks, III purposely refused to put alot of Applicant's key arguments on the record (Under the banner that he didn't feel they were reversible errors) so, Applicant was forced to file an assortment of pro se motions (Most of which were not ruled on): As a review of the various Orders and motions herein referenced will reflect, no Court ever said Applicant's pro se motions were meritless or frivolous, they either didn't rule on them because they were pro se or they didn't say anything about them (I guess because they couldn't explain on the record why they didn't agree with them and grant Applicant his requested relief). The Supreme Court has held that if a particular case be violated by even an isolated error by counsel, if that error is sufficiently egregious and prejudicial then Applicant's requested relief should be granted. Brooks didn't have one isolated error, he had a wide selection of egregious/prejudicial errors that rose to the level that both prongs of Strickland were met. Brooks did not amend Applicant's original PCR Application with even one percent of Applicant's arguments he asked him to include, the ones he did somewhat raise were not argued adequately, he didn't have either of Applicant's Appellate counsels present at the PCR hearing, he didn't have Applicant's codefendants who were going to tell the truth in that they had in fact lied on Applicant on their first statements (Because investigators coerced them to), he lied to Applicant about his PCR hearing being continued until all of the witnesses could be rounded up, and his deficient performance severely prejudiced Applicant's hearing because PCR Court did not have the facts to enable him to grant Applicant his requested relief.

(b) _____
(c) _____

18. If you answered (yes) to one or more parts of (7), list:

- (a) the name and address of each attorney who represented you:
- iv. Katherine K. Hudgins: SC Commission on Indigent Defense, 1330 Lady Street, Suite 401, P.O. Box 11589, Columbia, S.C. 29201-3332, or 29211-1589
 - v. Charles T. Brooks, III; Law Office of Charles T. Brooks, III, P.O. Box 3512, Sumter, S.C. 29150
- (b) the proceeding at which each such attorney represented you:
- iv. Hudgins represented Applicant on appeal of PCR until Applicant wrote her a letter explaining to her about his case, Clare and Pachak's ineffectiveness and the fact that they were her co-workers, and of course Brooks' gross incompetence and gross ineffectiveness at Applicant's PCR hearing; As a result of letter Hudgins filed a Motion To Be Relieved as Counsel. That's when Supreme Court incorrectly reappointed Applicant Brooks.
 - v. Charles Brooks represented Applicant on PCR, at PCR Hearing, and was later incorrectly reappointed to represent Applicant on appeal of PCR to the Supreme Court.

Exhibit 8
3 November 2014

Exhibit 9X
30 August 2014 Enclosure
Hudgins's Motion To Be Relieved
As Counsel And Appoint
Outside Counsel

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Sumter County

Honorable Clifton Newman, Circuit Court Judge

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NOV 17 2014

SC Court of Appeals

ROBERT L. GARRETT,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

MOTION FOR APPOINTMENT
OF OUTSIDE COUNSEL

The undersigned respectfully shows the Court:

1. Counsel was appointed to represent Mr. Garrett in his appeal from the denial of post conviction relief. The notice of intent to appeal was filed on February 27, 2008, and counsel received the transcript on July 14, 2008.
2. Upon review of the transcript counsel determined that a conflict existed in regard to her representation of Mr. Garrett. Robert Pachak, another attorney with the South Carolina Commission on Indigent Defense, Appellate Division, represented Mr. Garrett in his


Exhibit 9
3 November 2014

Exhibit 10X
30 August 2014 Enclosure

direct appeal. In his post conviction relief application Mr. Garrett asserts that appellate counsel was ineffective. Mr. Pachak was deposed in reference to this case.

3. Based on the above detailed conflict, counsel asks to be relieved from the representation of Mr. Garrett and asks the Court to appoint outside counsel.

Respectfully submitted,


Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR PETITIONER

August 13, 2008

3 November 2014

Mr. Robert L. Garrett Jr.
SCDC #291096
LEE CI—Chesterfield N2127
990 Wisacky Highway
Bishopville, S. Caro. 29010

Mr. Robert M. Dudek, Chief AD
South Carolina Commission On Indigent Defense
Post Office Box 11589
Columbia, S. Caro. 29211

RE: Robert Louis Garrett Jr. V. State Of South Carolina
Appellate Case No. 2014-001712

Dear Mr. Dudek:

ⓂⓂⓂ Please find enclosed an assortment of pleadings centered around the above referenced case. The South Carolina Court Of Appeals for some odd reason didn't grant my pro se "Motion For Appointment Of Outside Counsel", so in response I ask that someone from this office be assigned to represent me. If it is at all possible, I respectfully ask that Ms. Susan B. Hackett be assigned to represent me, as it was her who represented Davontay Henson and my case is DIRECTLY linked to the NEW STANDARDS that were set up in it. ⓂⓂⓂ

ⓂⓂⓂ I've been proclaiming my innocence since August 1997 and my pleas for help have and were falling on deaf ears.....I'm just thankful that Attorney General Wilson and his office tried to use my case to get the Supreme Court to revisit and change their ruling in Henson; For it was the very words that they used in their Petition For Rehearing that FINALLY opened the door for justice to be mended and me be set free from my unlawful and unjust incarceration. ⓂⓂⓂ

ⓂⓂⓂ I'm petitioning the South Carolina Supreme Court to grant me outside counsel for this matter seeing as though Robert Pachek still works in your office (And the fact that Katherine Hudgins filed a Motion To Be Relieved And Motion For Appointment For Outside Counsel for the very same conflict of interest), but until that matter is adjudicated, I'm willing to work with someone from this office.....As long as they can assure me that they will NOT have a problem including Mr. Pachek's grossly egregious actions in the briefs that are filed on my behalf. ⓂⓂⓂ

ⓂⓂⓂ If I need to fill out some type of forms or applications to prove my indigency so that this office can represent me, please forward them to me upon receipt of these pleadings. Thanks in advance for your anticipated help and prompt response, good day to you and your's and of course, God Bless. ⓂⓂⓂ

With Truth And Grace,

Robert L. Garrett Jr.

Robert L. Garrett Jr.

RLGJ

cc: The Honorable Daniel E. Shearouse, Clerk
The Honorable Jenny Abbott Kitchings, Clerk
Mr. Alan McCrory Wilson, S. Caro. Attorney General

ENCLOSURES/ATTACHMENTS ; (13 Pages)

RECEIVED

NOV 17 2014

SC Court of Appeals

3 November 2014

Mr. Robert L. Garrett Jr.
SCDC #291096
LEE CI—Chesterfield N2127
990 Wisacky Highway
Bishopville, S. Caro. 29010

The Honorable Jenny Abbott Kitchings, Clerk
South Carolina Court Of Appeals
Post Office Box 11629
Columbia, S. Caro. 29211

RE: Robert Louis Garrtt Jr. v. State Of South Carolina
Appellate Case No. 2014-001712

Dear Ms. Kitchings:

²⁴⁷ I am in receipt of this Court's 15 October 2014 Order denying my "Motion For Appointment Of Outside Counsel" (I received a copy on 17 October 2014). It's unclear as to why the said motion was denied, but I take it someone from the South Carolina Commission On Indigent Defense will have to file a similar motion for it to be granted. ²⁴⁷

²⁴⁷ With that said, please find enclosed some pleadings regarding the South Carolina Supreme Court intervening on my behalf, as well as some pleadings starting the process for me to be appointed someone from the above referenced Commission to handle this VERY SERIOUS action. A simple and elementary thirty minute review of the entire files for State v. Garrett (350 S.C.613, 567 S.E.2d Ct. Of Appeals 2002; Unpublished Opinion No. 2004-UP-466 September 15, 2004), as well as State v. Henson (407 S.C.154, 754 S.E.2d 508, January 2014; Petition For Rehearing DENIED 6 March 2014) will clearly show that this Court erred in the past by reversing my trial judge's GRANT OF A NEW TRIAL.....I just pray that the South Carolina Attorney General's Office and this Honorable Court recognize the MONUMENTAL MISTAKE, and put all of your energy into correcting it and setting me free, instead of doing everything to make the UNLAWFUL AND UNJUST ruling stand. ²⁴⁷

²⁴⁷ The State Of South Carolina has had an INNOCENT MAN ILLEGALLY AND UNJUSTLY INCARCERATED FOR OVER 6284 days.....4528 days of which this Court's 10 June 2002 erroneous ruling is DIRECTLY responsible for. At this point all I ask is that the said ruling be corrected so that the process of me finally clearing my name and going home to my family can begin. Thanks in advance for your anticipated help and prompt response, good day to you and your's, and of course God Bless. ²⁴⁷

With Truth And Grace,

Robert L. Garrett Jr.

Robert L. Garrett Jr.

RLGJ

cc: The Honorable Daniel E. Shearouse, Clerk
Mr. Robert M. Dudek, Chief AD
Mr. Alan McCrory Wilson, S. Caro. Attorney General

ENCLOSURES/ATTACHMENTS; (13 Pages)

3 November 2014

Mr. Robert Louis Garrett Jr.
SCDC #291096
LEE CI—Chesterfield N2127
990 Wisascky Highway
Bishopville, S.Caro. 29010

The Honorable Daniel E. Shearouse, Clerk
Supreme Court Of South Carolina
Post Office Box 11330
Columbia, S. Caro. 29211

RE: Robert Louis Garrett Jr. v. State Of South Carolina
Appellate Case No. 2014-001712

Dear Mr. Shearouse:

²⁴⁶⁷ Please find enclosed some pleadings in regards to the above referenced case that this Court transferred over to the South Carolina Court of Appeals back on 13 August 2014. I filed an additional motion entitled, "Motion To Be Appointed Outside Counsel" on 30 August 2014 in the said Court (Thoroughly outlining and laying out uncontroverted evidence showing that it is a BLATANT conflict of interest for the South Carolina Commission On Independent Defense to handle this matter), but for some odd reason the Court Of Appeals denied the said motion. Be that as it may, I'm now asking this Honorable Court to intervene on my behalf pursuant to Rule 245 of the South Carolina Rules Of Court and appoint me competent/effective counsel to handle this VERY SERIOUS action. ²⁴⁶⁷

²⁴⁶⁷ Attorney General Alan McCrory Wilson and the South Carolina Attorney General's Office put forth a VERY STRONG argument to this Court in their Petition For Re-Hearing, trying to convince you to revisit your LANDMARK ruling in State v. Henson, and part of their argument was that if this COURT DID NOT OVERTURN/REVERSE the South Carolina Court Of Appeals' 10 June 2002 Reverse And Remand For Sentencing of my original trial court's GRANT OF A NEW TRIAL.....Then this Court had in fact erred by reversing Henson. On 6 March 2014 this Court denied AG Wilson and his Office's arguments, so at this point in the "Interrest Of Mending Justice", the only thing left to do is revisit my case and conform it to the NEW STANDARDS set up by way of Henson. ²⁴⁶⁷

²⁴⁶⁷ This Honorable Court has the AUTHORITY AND POWER to mend justice RIGHT NOW and order that my trial court's grant of a new trial be reinstated, but if for some reason this Court is not currently at liberty to do something EXTRAORDINARY and come to my rescue like that.....I respectfully ask and beg that this Court at least grant the enclosed motion and appoint me competent outside counsel. It's ABUNDANTLY EVIDENT that this State has had me illegally and unjustly incarcerated for a VERY, VERY, VERY LONG TIME.....I just pray that "someone" comes to my rescue soon and takes the initiative to MEND JUSTICE, instead of continuing to turn blind eyes to the long line of grave injustices that I've been dealt "Before Henson".....Using as a rationale that to mend justice now after over 17 YEARS would make the State of South Carolina look VERY BAD. ²⁴⁶⁷

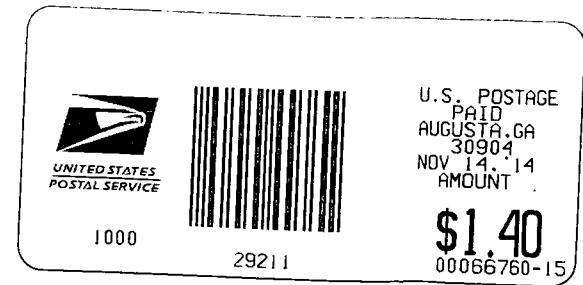
With Truth And Grace,
Robert L. Garrett Jr.
Robert L. Garrett Jr.

RLGJ

cc: The Honorable Jenny Abbott Kitchings, Clerk
Mr. Robert M. Dudek, Chief AD
Mr. Alan McCrory Wilson, S.Caro. Attorney General

ENCLOSURES/ATTACHMENTS ; (13 Pages)

Mr. Robert L. Garrett Jr.
SCDC#291096
Lee CI—chesterfield N2127
990 Wisacky Highway
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Ms. Jenny Abbott Kitchen's Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, S.C. 29211

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