

DIVISION OF APPELLATE DEFENSE
1330 LADY STREET, SUITE 401
COLUMBIA, S.C. 29201

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DEC 08 2014

S.C. SUPREME COURT

November 26, 2014

**RE: SAMUEL WHITNER V. THE STATE C/A NO.: 2013-CP-23-00765
APPELLATE CASE NO.: 2014-001951**

I'm writing with inquisition regarding an appeal; that which by a correspondence that was forwarded to me from the clerk of court, Paul B. Wickensimer, in which Mr. Wickensimer had informed me that an appeal had been filed by attorney Caroline M. Horlbeck whom which was appointed by the Court to represent me within P.C.R. However, according to an October 10, 2014 correspondence from the Clerk of Court thus informing me that an appeal was filed on the 11th day of September 2014 (Exhibit A) that which the correspondence from Mr. Wickensimer was with regards to a correspondence that therein I had requested for a clock stamp copy of a Motion to Relieve which was consolidated with a preliminary injunction pursuant to 42(a) S.C.R.C.P. See Exhibit B.

A proposed order from either party has not been forwarded to me prior to or after if the Court had rendered an order of disposition concerning the matters within the above stated case. This obligation thus to inform me of a disposition prior and after a rendered court order, has been neglected per the Clerk of court, Paul B. Wickensimer as well as the Assistant Attorney General Karen C. Ratigan and Attorney Esq. Caroline M. Horlbeck, a court rendered order of disposition had not been forwarded to me that concerns the pro se Motion to Relieve that is consolidated

a preliminary injunction pursuant to 42(a) S.C.R.C.P. See Exhibit B. This, in general, does so deprives me, thus impeding on the right that which is entitled to me to justly exercise a corrective implement that is meritorious for interlocutory opposition upon equilibrium access of the Appellate court pursuant to S.C. Code Ann. § 14-3-330. Moresoever, S.C. Constitution Artical 1 § 3 guarantees me the right to appeal when an intermediate decision has been been erroneously executed. However, the decision in not forwarding to me any disposition concerning all matters regarding an appeal or my case is somewhat retributive towards me because of the matters which are encompassed within my pro se Motion to Relieve Counsel that is consolidated with a preliminary injunction. See Exhibit B. I am entitled to appeal by interlocutory concerning the matters within the pro se motion to relieve. It was unlawful for Esq. Caroline M. Horlbeck to file an appeal concerning any and all matters concerning my case.

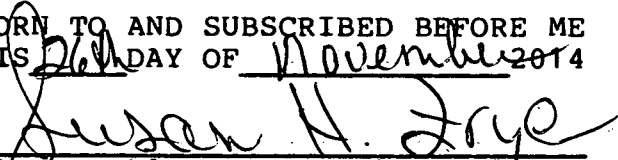
By law, the injunction has to be resolved first before this Court can entertain an appeal concerning my P.C.R. application. A motion to relieve counsel was consolidated with an injunction. The matters within this motion were not ruled upon or can be presumed to not have been resolved, because the Clerk of Court of Greenville County did not forward me a disposition concerning this motion to relieve counsel which was consolidated with a preliminary injunction. Furthermore, this motion was before the Court of Common Pleas well in ample amount of time prior to the Court rendering an order concerning my P.C.R. Thus, despite the Court's obligation to inform me of my case, the disposition of the aforementioned motion was not and has not been forwarded to

me. (Motion Attached)



Samuel L. Whitner #263066
B.R.C.I. Wat. 143
4460 Broad River Rd.
Columbia, S.C. 29210

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 26th DAY OF November 2014


Susan H. Faye
Notary Public For South Carolina

MY COMMISSION EXPIRES: _____ My Commission Expires
March 5, 2018

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appellate case No.: 2014-001951

Samuel L. Whitner,.....Petitioner,

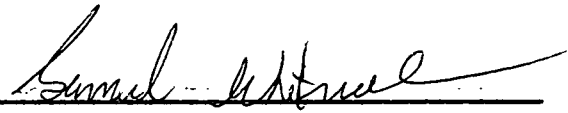
v.

The State,.....Respondent.

PROOF OF SERVICE

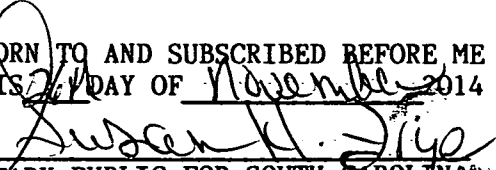
I, the above Petitioner, hereby certify that I have forwarded a correspondence titled RE: SAMUEL WHITNER V. STATE C/A No.: 2013-CP-23-00765, APPELLATE CASE No.: 2014-001951 and a copy of a July 31, 2014 MOTION TO RELIEVE (Exhibit B), and did so deposit copies of the same in the U.S. Mail addressed to the South Carolina Commission on Indigent Defense, Division of Appellate Defense, P.O. Box 11589, Columbia, S.C. 29211-1589, on the 16 day of NOVEMBER 2014, and hereby certify that the below listed has been served copies of the same.

Daniel E. Shearouse
P.O. Box 11330
Columbia, S.C. 29210



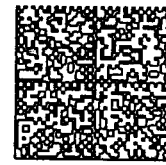
Samuel L. Whitner
B.R.C.I. Wat. 143 B
4460 Broad River Rd.
Columbia, S.C. 29210


SWORN TO AND SUBSCRIBED BEFORE ME
THIS 21 DAY OF November 2014



NOTARY PUBLIC FOR SOUTH CAROLINA My Commission Expires
MY COMMISSION EXPIRES: _____ March 5, 2018

SAMUEL LAMONT WHITNER
B.R.C.I. WAT 143
4460 BROAD RIVER ROAD
Columbia S.C. 29210



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