

State of South Carolina

County of Horry

Myrtle Beach S.C.

The State of South Carolina

Respondent

v

Keiron Coleman

Appellant

In the Court of Appeals

Case no

Appellant Objection to
Anders Brief and Petition

To Be Relieved of

Counsel

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OCT 22 2014

SC Court of Appeals

This matter comes before the court as an Objection to ANDERS brief filed August 19th 2014 by appellate defender Wanda Carter Esq of the South Carolina Commission on Indigent Defense. Applicant asserts that the appellate defender should be held ineffective, more importantly, his petition to be relieved as counsel should be denied.

Ineffective Assistance of Appellate Counsel
Wanda Carter Esquire was appointed to represent Appellant on collateral appeal. On April 15th 2014 Carter filed a no merit appeal pursuant to Anders v California 386 U.S. 738, 87 S.Ct. 1396 (1967) claiming the appeal is without legal merit sufficient to warrant a new trial while subsequently motioning this court to be relieved of counsel.

Appellant objects to Carter's petition to be relieved as appellate counsel on the grounds that there is merit and substantive issues available and unbrieffed that was properly preserved for appellate review during trial. Appellant asserts he has a right to the effective assistance of Appellate Counsel on his collateral appeal as a matter of right. Carter should not be relieved as counsel and this Court should order Carter to brief the substantive issues Appellant has raised in his pro-se Anders Brief. Appellant believes Carter petition to be relieve of counsel should be denied and Carter should be ordered to redact Appellants brief to contain the underlying substantive issues

Argument

Accordingly, the sixth amendment as applied to the States through the fourteenth amendment, guarantees a Criminal defendant the right to counsel on his first appeal as of right. See Douglas v California 372 U.S. 353 356 83 Sct 814 (1963) It also guarantees his effective assistance of counsel on appeal. Lucy v Ewitt 464 U.S. 396 105 Sct 830 (1985)

In Jones v Barnes 463 US 745 103 Sct 3308 3311 the Court held that since Anders v California 386 US 738 87 Sct 1396 (1967) the Court has held that since Anders bars counsel from abandoning a non-frivolous appeal, it also bars counsel from abandoning a non-frivolous issue or appeal.

Under Anders v California, 386 US 738 87 Sct 1396 (1967) the Court held that an appointed Attorney must advocate his client's cause rigorously and may not withdraw from a non-frivolous appeal -- appointed counsel must present on appeal all non-frivolous arguments requested by his client

In the instant matter, Carter has abandoned substantive meritorious issues, that in granting Carter's petition to be relieved of counsel will result in a denial of effective assistance of counsel on appeal and a denial of due process.

The underlying substantive claims that Carter has abandoned is raised pro-se here in the instant pro-se Anders Brief

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Certificate of
Service

I certify that a true copy of appellant
objection to ANDERS Brief and petition to
be relieved of counsel in this case have
been served on South Carolina Court of Appeal,
Jenny Abbott Kitching Clerk post office
Box 11629, Columbia, S.C. 29211 by us postal
mail this 15 day of Oct 2014

Sworn to before me this 15 day
of October 2014

my Commission expires October 29 2014

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SC Court of Appeals

Keiron Coleman #359333

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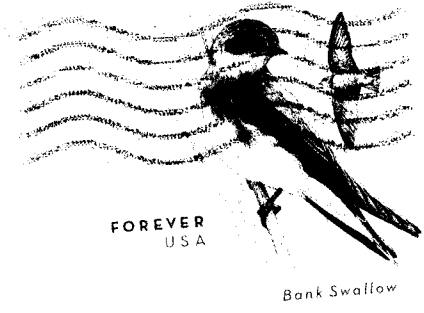
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