

November 24, 2014

The Honorable Jenny Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina
29211

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DEC 12 2014

SC Court of Appeals

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RE: State vs. Earl Graham Case # I901997,
994, 995, 996, 997 And 998 September 8, 2014
Re Commitment. Rule 4(b) SCRPC Violation

Dear Ms. Kitchings:

As of the writing of this correspondence, Judge Diane Goodstein has not signed the Original Order of Re Commitment from the September 8, 2014 Second hearing. Please be advised, Attorney John Delgado who is presently assigned as Appellants Court Appointed Attorney, refuses to communicate with Appellant. Appellant filed with the Court to have Attorney Delgado Relieved as the Court Appointed Attorney for ineffective assistance by Counsel. Needless to say Appellant is unable to receive professional representation IAW the Rules of professional Conduct.

John Delgado Allowed A-1 Bonding the opportunity to Violate SC Rules of Criminal Procedure Rule 4(b) Subsequent

Application for Order After Refusal, without
rebuttal. Again, Please be advised, "If any
motion be made to any Judge and be denied,
in whole or in part, or be granted conditionally,
NO Subsequent Motion upon the same set of
facts shall be made to any other judge in that
action. If upon such subsequent motion any
order be made it shall be void

Appellants Appeal of the Referenced
Case Numbers are associated with the recommitment
alleged order by Judge Diane Goodstein's
September 8, 2014 Order.

John Delgado's refusal to
assist appellant with his appeal of the September
8, 2014 motion hearing centers directly around
Rule 4(b). Appellant has yet to receive a
written order signed by Judge Goodstein as
of the date of this correspondence.

In an effort to fuel the
conspiracy further, John Delgado notified Mr.
Daniel Shearouse of the South Carolina Supreme
Court for guidance. John Delgado stated the
following: "Please find enclosed an original of
a sua sponte appeal by my client Earl Graham,
from a revocation of bond proceeding held in the
General Sessions Court of Richland County on
September 11, 2014

I submit this to you for whatever
purpose Mr. Graham has in this matter and I am

Contacting him so that he will know that this has been done"

"After his revocation of bond by Judge Diane Goodstein, MR. Graham then sent me this Original of what appears to be an appeal. MR Graham had, After the revocation of bond by Judge Goodstein "fined" Me. And I am at a loss as to understand what my responsibilities are in this matter"

MR. Delgado was "fined" Due to the fact he was aware of Rule 4(b) and attended the recommitment motion hearing prior to the September 8, 2014 hearing. Needless to say MR. Delgado made no attempt to contact his client concerning the alleged revocation scheduled hearing by the Solicitor Daniel E. Johnson.

During the conduct of the illegal hearing, Attorney Delgado committed serious breaches of the South Carolina Rules of Professional Conduct, Particularity: Rule 1.1 Competence "A Lawyer shall provide competent representation to a client.

B. Rule 1.3 Diligence - "A Lawyer shall act with reasonable diligence and promptness in representing a client"

C. Rule 1.4 Communications
A Lawyer shall: (1) promptly inform the client of any decisions or circumstances with respect

to which the client's informed consent, as defined in Rule 1.0(f), is required by these rules,

(2) Reasonably Consult with the client about the means by which the client's objectives are to be accomplished;

(3) Keep the client reasonably informed about the status of the matter

(4) Promptly Comply with reasonable requests for information, and

(5) Consult with clients about any relevant litigation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(B) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation"

(D) Rule 3.5(2) impartiality and decorum of the Tribunal. "A lawyer shall not:

(a) Seek to influence a judge, juror member of the venire or other official by means prohibited by law

(2) Rule 8.4 Professional Misconduct

It is professional misconduct for a lawyer to: (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or attempt to do so through the acts of another

Hence, the Accused States John Delgado has been ineffective to date. I'm requesting his action and procedures are reviewed and appropriate actions take to remedy any defect that John Delgado committed in the conduct this case.

Cordially
Eh

Earl O. Graham

cc: Department of Justice Criminal Section
Governor Nikki Haley
Office of Disciplinary Counsel
Director, SC Court Adm Ms. Rosalyn Feinson

Formal Complaint

RE: John Delgado

27 November 2014

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SC Court of Appeals

During the Conduct of the SC Court of Appeals

hearing, Attorney John Delgado Committed Serious breaches of the South Carolina Rules of Professional Conduct, Particularly: Rule 1.1 Competence: A Lawyer Shall provide Competent Representation to A Client

(B) Rule 1.3 Diligence - "A Lawyer Shall Act with reasonable diligence and promptness in representing A client"

(C) Rule 1.4 Communications -

A Lawyer Shall: (1) promptly inform the client of Any decisions or Circumstances with respect to which the client's informed Consent, as defined in Rule 1.0 (f), is required by these Rules.

(2) Reasonably Consult with the client about the means by which the client's objectives are to be Accomplished.

(3) Keep the client reasonably informed about the status of the matter

(4) Promptly Comply with reasonable requests for information; And

(5) Consult with the client about Any relevant Litigation on the Lawyer's Conduct when the Lawyer knows that the client expects Assistance not permitted by the Rules of Professional Conduct or other Law

(B) A Lawyer Shall explain a matter to the extent reasonably Necessary to permit the client to Make informed

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decisions regarding the representation"

(D) Rule 35(a) Impartiality and Decorum of the Tribunal "A Lawyer Shall Not: (a) Seek to influence a judge, juror member of the Venire or other official by means prohibited by law.

(E) Rule 8.7 Professional Misconduct:

It is professional misconduct, to knowingly assist or induce another to do so, or do so through the act of another;

(a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of others or another

(b) Commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(c) Commit a criminal act involving moral turpitude;

(d) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(e) Engage in conduct that is prejudicial to the administration of Justice;

(f) State or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or

(g) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

Again, As a result of these transgressions, John Deleardo refused the Accused's wishes to represent the latter effectively and in accordance with the Accused objectives. The Accused has had no say in the representation of this case. John Deleardo Again has made all decisions without the freely given, fully informed consent of the Accused.

The Accused continues to be indigent and cannot afford to hire an attorney. The Court has prior knowledge of

that indigence.

Despite this, the Accused Cannot Continue to Work with John Delgado's Law Firm BUTD Bluestein, Nichols, Thompson Delgado Attorney's at Law accordingly the Accused submits the forgoing in support of a formal Racial Discrimination Complaint with The Department of Justice Criminal Section Washington, DC

If the Court expects the accused the accused to either represent himself or accept inadequate counsel, it would be a denial of due process, as amply held in the case of Powell vs. State of Alabama (287 U.S. 45)

By the actions of John Delgado during the September 3, 2014 motion hearing the accused has actually been denied of his fundamental right to due process of law. John Delgado has allowed established that are inconsistent with statute, rule and policy to prevail in the motion hearing rather than presenting a vigorous defense, to the detriment of the accused.

The effect of John Delgado's act of ignoring the accused pleas again to take certain actions, of presenting a zero no defense but demanding accused to stipulate under duress before the court was reckless.

Attorney Delgado Made NO objections, Raised NO appealable issues, Allowed false reports and statements to go unrebutted, Allowed an unsigned Alleged Agreement to be introduced as evidence minus the presiding Judge's signature. Attorney Delgado failed to act to insure that the accused defense was in accordance with established statutes and regulation.

Delgado's actions were so severe as to it deprived the accused of a hearing whose results were fair and reliable. They appeared before the General Session Court on the same motion/Recommitment 1 year and a half ago. Accused spent 30 days incarcerated on recommitment. Presiding Judge threw out charge and released accused.

The effect of John Delgado's act of ignoring procedural interactions by the parties. Delgado's actions concerning the second motion hearing concerning the same matter was so defective that it fell below an objectionable standard and reasonableness.

John Delgado's deficient performance prejudiced the accused's defense and deprived the accused of a fair hearing.

Violation: Rules of Criminal Procedure, Rule 4(b) Subsequent Applications for Order After Refusal. If any motion be made to any judge and be denied, in whole or in

part, or be granted Conditionally, no Subsequent motion upon the same set of facts shall be made to any other judge in that action. If upon such subsequent motion any order be made, it shall be void.

Hence, Considering these premises, the accused hereto request your governing body to find that John Delgado representing the Law firm of (BNTD) Brestein-Nichols-Thompson-Delgado, has been ineffective to date and to review the procedures and take steps to remedy any defect that John Delgado committed in the conduct of the Alleged Motion Recommitment hearing.

Lastly, John Delgado made a special reference to the accused that the Attorney for the A-1 Bonding did not attend this Motion hearing. By and large, A-1's Attorney wanted no parts of this illegal act.

Cordizilly



Earl O. Graham

November 25, 2014

December 9, 2014

The Honorable Jenny Kitchings
Clerk South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

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DEC 12 2014

SC Court of Appeals

RE: State vs Earl Graham Case # I9619071,
992, 994, 995, 997 September 8, 2014 Recommitment

Dear Ms. Kitchings:

Please Date Stamp each copy of
the enclosed correspondence and send (1) each
back to Sender.

Please be advised, the initial
correspondence did not include Judge Dawn
Goodstein as the presiding judge of Record
as her name was not available via MR
Delgado. Please add the Honorable Judge
Goodstein, a copy of the update will
be forwarded to the Clerk as well as
the AG.

Again, as of the Date of this
correspondence appeal it has not received a
signed copy of the Order of Recommitment.

Cordially

Earl Graham

Rules of Criminal Procedure

Rule 4(b)

Subsequent Applications for Order
After Refusal.

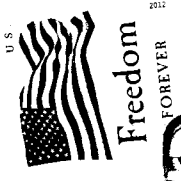
If any motion be made to any Judge and be denied, in whole or in part, or be granted conditionally, no subsequent motion upon the same set of facts shall be made to any other Judge in that action. If upon such subsequent motion any other be made, it shall be void.

Please Note: This same motion was denied by prior and Appellant was released after 30 days of false recommitment.

Cordially

Endo Carter

1111 E. 4th St
Columbia, SC 29204
U.S. Army Disabled Veterans
Post
Suburbia, K. P. Dial Dr
Columbia, SC
29204



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SC Court of Appeals

The Honorable Tanya Kitchens
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC
29211