

The State, Respondent,

V.

Gerald D. Edwards, Appellant.

Appellate Case No. 2015-000389

The State Of South Carolina
In The Court of Appeals

Appeal From Charleston County
Court Of General Sessions

The Honorable R. Markley Dennis, Jr., Circuit Court Judge
Case No. 2014-GS-10-01779, 01780

To Ms. Jenny Abbott Kitchings, Clerk,

I'm writing this court in an effort to grant or renew my appeal. I recently received a letter on March 13, 2015 from V. Claire Allen (Deputy Clerk, South Carolina Court of Appeals) stating that I had failed to serve the notice of appeal upon the respondent in a timely manner.

I attempted to file an appeal on Feb. 24, 2015 with the SC Court of Appeals, however, I was notified by this court on March 3, 2015 indicating that a letter was sent to Ms. Shirene C. Hansotia, Esq. informing her that Pursuant to Rule 264(a) of the SCACR, she was still counsel of record for appellant until relieved by order of this court. That letter was dated Feb. 27, 2015 and she was given 10 days to correct the deficiencies. She was also told by this court that if she had any questions to not hesitate to contact your office. Ms. Hansotia refused to respond to the letter or myself in any form. She neglected to assist me with the deficiencies of my appeal and also she hasn't filed a motion to be relieved as counsel which would have automatically stay the time limit according to Rule 240(b), SCACR.

I was contacted by the Ninth Circuit Solicitors Office, specifically, Mr. Benjamin C. Simpson, Esq. on March 5, 2015 giving me the necessary documents needed to be filed with the SC Court of Appeals to include: Notice of Appeal, Proof of Service, Sentencing sheets and verdict form, along with instructions on how to proceed and preserve my appellate rights. I was to obtain copies and as quickly as possible mail to the following: Salley W. Elliot (Asst. Attorney General), Julie J. Armstrong (Charleston County Clerk of Court), Robert M. Dudek (Chief Appellate Defender, Office of Indigent Defense) and himself Benjamin C. Simpson (Asst. Solicitor, Ninth Circuit). Had Mr. Simpson not informed me and provided me the information needed to assist me, I would've never been able to at least make the attempt to finish filing.

From the moment I received a letter from your office (March 3, 2015) informing me of the deficiencies, I was able to make the 10 day deadline requirement afforded me, OR had Ms. Hansotia filed the motion to be relieved I would have still been able to make the time according to Rule 240(b) SCACR. Due to the negligence of Ms. Hansotia and Rule 264(a) SCACR, I hereby ask this Honorable Court to grant, renew or reinstate my appeal. I am not capable and unable to defend myself and need new and effective assistance of counsel as promised to me in the Sixth Amendment. Thanks for your cooperation in this matter.

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MAR 19 2015

SC Court of Appeals

Respectfully Submitted,

Mr. Gerald Edwards

Mr. Gerald Edwards #173780

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER**

TO: NAME: <u>Rhea - Rodgers</u>	TITLE: <u>Law Library</u>	DATE: <u>2/13/15</u>
INMATE'S NAME: <u>Mr. Gerald Edwards</u>	SCDC #: <u>173780</u>	
INSTITUTION: <u>R+E</u>	LIVING QUARTERS: <u>A1-35</u>	

I'm dealing with a timely issue as I'm trying to file an appeal on my guilty verdict. As of 2/10/15. I only have 10 days to appeal. I was Pro Se and my direct appeal was denied. My days are counting down quickly. I only have approx. 6 or 7 days to file. Thanks for your cooperation in this matter.

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Sincerely
[Signature]

SC Court of Appeals

I Did See you Feb 17, 2015 @ 1250 Per # 173780
St. Story - You Do not HAVE A LETTER FROM
THE COURT OR YOUR ATTY. YOU DO NOT HAVE ACCESS

DISPOSITION BY STAFF MEMBER:

Must See Letter from THE
Court OR ATTY to HAVE ACCESS

IN ORDER TO HAVE ACCESS TO THE LAW LIBRARY
WHILE IN R & E STATUS, YOU MUST HAVE A COURT
ORDER DATE (30 DAYS OR LESS-FORWARD) WITH
PROOF OF PAPERWORK. OTHERWISE, YOU MUST WAIT
UNTIL YOU ARE ASSIGNED TO A PERMANENT YARD.

DATE: FEB 17 2015

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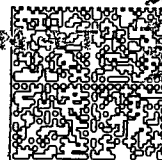
[Signature]

Mr. Gerold Edwards #173780
A1-35

Mailroom
Kirkland Correctional Institution
4344 Broad River Road
Columbia, S.C. 29210

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Ms. Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629 Room 371
Columbia South Carolina 29211
Columbia, South Carolina 29201

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