

John H. Strom Esquire  
1330 Lady Street, Suite 401  
Columbia S.C. 29201-3332

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APR 13 2015

S.C. Supreme Court

RE: None Consent of representation  
from the Appellate defense.

In response to your April 2, 2015, correspondence. I am within serious expectation of a judgment concerning the Motion of waiver of representation that is consolidated with a preliminary Injunction

However I am not consenting to any representation by this Division nor you.

Moreover I had filed a reply to your Return that concerns the above stated Motion. The Appellate defense along with the Office of the Attorney General of South Carolina violated my civil rights thus to obtain as well as unlawfully validate my conviction.

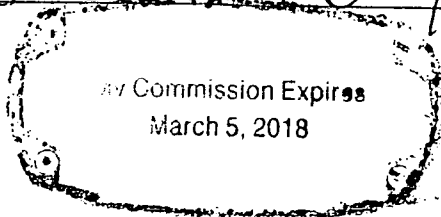
The Honorable Chief Justice Toal's book. (Appellate Practice in South Carolina) does not provide for such methods for the Appellate defense to operate as a trap for the unwary. see Gamble state S.C. 1989, 298 S.C. 176, 379 SE. 2d 118. Thus the U.S. Constitution holds that the advice of the Court. see Jones v. Barnes 463 U.S. 745 753 (1983). And Chief Justice Burger of the U.S. Supreme Court is to be taken very seriously when a citizen civil rights are involved.

And however, the quote that which was stated within your April 2, 2015 correspondence, which derived from Chief Justice Toal's book. serves none intimidation regarding my alternative to

waive representation by the Appellate defense for reason being that is so provided within the my pro se Motion of waiver of representation and preliminary injunction and reply that is pending before the South Carolina Supreme Court. Again I do not waive my right to a conflict free representation, and I do not consent to this office or your representation. But however I await for the Supreme Courts decision by way of judgment upon the preliminary Injunction. in which I respectfully ask you to notify me when the judgment is rendered per the Court.

sincerely  
Samuel L Whitner

sworn to and subscribed before me  
THIS 10th day of April 2015  
Susan H. Frye



Samuel L Whitner  
SAMUEL L WHITNER  
B.R.C.I. WAT 143  
4460 Broad river road  
Columbia S.C. 29210

CC Clerk of Court. Daniel E. Shearouse



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

Page 1 of 2

April 2, 2015

Mr. Samuel Lamont Whitner, #263066  
Broad River Correctional Institution  
4460 Broad River Road  
Columbia, SC 29210

Re: Your case

Dear Mr. Whitner:

Please let this letter serve as a response to Mr. Lewis's recent phone call to my office. As your attorney my work on your case is protected by attorney-client privilege. This means that I cannot divulge information concerning your case to a third party's without your written consent. If you wish me to speak with your brother about your case, I will need written permission from you to do so. I am happy to speak with family members or trusted friends and to keep them informed of the status of your appeal; provided that I have your prior written approval to do so.

I understand that Mr. Lewis expressed concern about your appeal. As I mentioned in my introductory letter to you, the appellate process is very slow and there is nothing I can do speed it up. I have started to review your file. However, I cannot form an opinion on the merits of your appeal until I have had the opportunity to finish my review in full and to conduct the necessary research.

Once I have reviewed the entire record of your case, I will select the best issue or issues you have from your PCR case for presentation to the court. As I stated in my previous letter, the final decision about which issues to submit is mine. Only if I submit a "no merits" or Johnson petition, stating that I could not find any good issues, will the court let you submit your own legal arguments.

Be assured I will try my best to find reversible error and I will submit the best petition I possibly can to the appellate court. This may mean that issues ruled on by the PCR Judge which

had little to no merit, and would dilute the stronger issues, will not be included in your petition. My job is to try to win your case and the petition I file will give us the best chance for reversal.

The following is a quote from Chief Justice Toal's book, Appellate Practice in South Carolina:

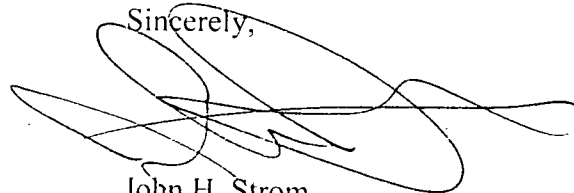
Loading the brief with an excessive number of issues lessens its persuasiveness. In contrast, focusing on a few key preserved issues allows the appellate court to consider more carefully the appellant's arguments. The attorney who discusses numerous issues is like an amateur enthusiast firing a machine gun, hoping to randomly hit some object. However, the advocate who homes in on a few issues is akin to the skilled marksman carefully aiming a rifle at select strategic targets. The latter approach is much more likely to produce the desired result.

Similarly, Chief Justice Burger of the United States Supreme Court said, "A brief that raises every colorable issue runs the risk of burying good arguments—those that, in the words of John W. Davis, 'go for the jugular'—in a verbal mound made up of strong and weak contentions. Jones v. Barnes, 463 U.S. 745, 753 (1983). I take the advice of these judges very seriously and will use this strategy to present your case in the best possible light to the Court.

Remember, the Supreme Court can only consider the information that was before the PCR court. Any new information cannot be brought to their attention at this point. In addition, the issue must have been addressed in the PCR court's order of dismissal before it can be raised to the Supreme Court.

I hope this letter addresses the concerns you seem to have regarding my representation. Again, should you wish me to talk with your brother or any other third party about your case, I will need your written permission to do so. Please do not hesitate to contact me by letter if you have any questions or I may be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Strom". The signature is stylized with large loops and a long horizontal stroke extending to the right.

John H. Strom  
Appellate Defender

JHS/rfa

SAMUEL L WHITNER  
BRCI WAT 143  
4460 Broad River Road  
Columbia S.C. 29210

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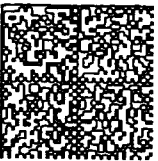
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