

THE SUPREME COURT OF SOUTH CAROLINA

RECEIVED

APR 15 2015

Richard Keith Poe, Petitioner

S.C. Supreme Court

VS.

Appellate Number: 2015-000524

State of South Carolina, Respondent

" AMENDMENT WITH
EXHIBIT

" Statement of Facts "

Now Comes, Richard Keith Poe, petitioner putting forth facts along with record supporting claims filed by petitioner in his Post Conviction Relief Application, and in his Writ for Certiorari.

On June, 4th-2013 petitioner was convicted of Burglary, Criminal Conspiracy, and Petit Larceny and sentenced to (13) years by the York County Sixteenth Circuit Court, the Honorable Judge John C. Hayes was the sentencing Judge.

Petitioner requested his Counsel Sean Francis Cronin file appeal on his behalf, however Sean F. Cronin refused to do so, leaving petitioner with no choice but to try in filing appeal on his own. The Court of Appeal requested the necessary documents but Cronin failed to supply the Court with the documents causing petitioners Direct Appeal to be dismissed, depriving petitioner of Appellate Review altogether.

Petitioner filed a Post Conviction Relief Application in the year of (2013) and a hearing was conducted, January, 22-2014 before the Honorable Judge Baxley where he denied PCR, and failed to address the claim of Sean Francis Cronin refusing to perfect appeal, and failed to provide the Court with the documents.

Furthermore, Counsel representing petitioner also failed to put forth the claims of Cronin failing to provide the Court of Appeal with the necessary documents causing Appeal to be dismissed.

However, there was an Petition for Writ filed, and Counsel Robert Micheal Dudek refused to address several claims that arose during the PCR hearing Janurary, 22nd-2014 and failed to address the claim of Cronin refusing to perfect Appeal, and refusing to provide the Court of Appeal with the necessary documents causing case to be dismissed.

See, exhibits attached.

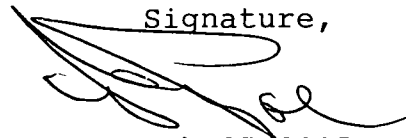
Petitioner filed another PCR raising issues that could have not been raised in first PCR, reason being the revelation became to the knowledge to petitioner after the hearing, and the failure by the Judge Baxley not addressing claims in PCR proceedings and not addressing all issues in application.

Counsel Hemplepp also failed to address the issue of Cronins actions in depriving petitioner of his rights to appeal, challenging the invalid warrants and invalid indictment of, burglary first degree.

The Honorable Judge Lee s. alford denied the States motion to dismiss, stating this order does not end this case, # 2014-CP-46-2424.

"But as yet the Attorney Generals Office has not addressed the PCR.

Petitioner filed another PCR, and Judge Hayes denied application which is before this Court for writ certiorari now, 2015-000-524.

Signature,

March, 27-2015



The Supreme Court of South Carolina
OFFICE OF DISCIPLINARY COUNSEL

Lesley M. Coggiola
Disciplinary Counsel

William C. Campbell
Assistant Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Fax: (803) 734-1964

March 19, 2015

PERSONAL AND CONFIDENTIAL

Richard K. Poe #259297
Evans Correctional Institution
610 Highway 9 West
Bennettsville, SC 29512

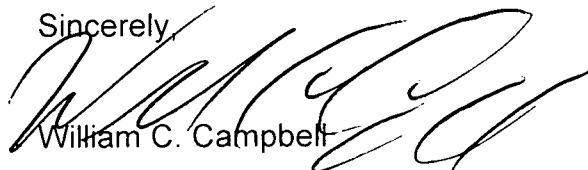
RE: NOTICE OF FINAL DISPOSITION
Lawyer: Sean Francis Cronin, Esquire
Matter Number: 14-DE-L-0788

Dear Mr. Poe:

You previously filed a complaint with the Commission on Lawyer Conduct concerning Sean Francis Cronin, Esquire. This matter was concluded on March 18, 2015. Your complaint was not dismissed, but the disposition is confidential under the provisions of the Rules for Lawyer Disciplinary Enforcement, Rule 413, SCACR.

This constitutes final disposition of the proceedings in this matter. Your cooperation with the Commission and this office is appreciated.

Sincerely,



William C. Campbell



Exhibit To
PCR

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
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November 6, 2013

Mr. Sean Francis Cronin
PO Box 1025
Rock Hill SC 29731

Re: The State v. Richard Keith Poe
Appellate Case No. 2013-001239

Dear Counsel:

This Court has received the notice of appeal filed by your client, Richard Keith Poe, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/HTMLFiles/2007-08-13-02.htm. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

The South Carolina Court of Appeals

The State, Respondent,

v.

Richard Keith Poe, Appellant.

Appellate Case No. 2013-001239

ORDER

On June 5, 2013, the appellant filed a pro se notice of appeal with the Supreme Court. The Supreme Court transferred the appeal to the Court of Appeals for disposition. On November 6, 2013, this Court sent a deficiency letter to attorney Sean Francis Cronin, requesting a redacted copy of the sentencing sheet and a proof of service showing the notice of appeal was timely filed. Mr. Cronin never responded to the letter from the Court. We made several more attempts to get the necessary documents from Mr. Cronin by calling him on April 11, 2014, and on May 8, 2014. Mr. Cronin promised to send the necessary documents to the Court. To date, we have not received any further correspondence from Mr. Cronin.

Accordingly, this appeal is dismissed for failure to show timely service of the notice of appeal in compliance with Rule 203(b)(2) of the South Carolina Appellate Court Rules (SCACR) and failure to file a copy of the order challenged on appeal as required by Rule 203(d)(1)(B)(ii), SCACR. Remittitur will be sent according to Rule 221(b), SCACR.

FOR THE COURT

BY *Joy A. King*
CLERK

Columbia, South Carolina

cc:

Richard Keith Poe

Robert Michael Dudek, Esquire

Sean Francis Cronin, Esquire

Salley W. Elliott, Esquire

FILED

May 29, 2014

The Law Offices of
MICHAEL L. BROWN, JR.

223 Main Street, Suite 550, Rock Hill, SC PO Box 1025, Rock Hill, SC 29731

Telephone: (803)328-8822

Facsimile: (803)328-0523

August 22, 2014

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

Re: *The State of South Carolina vs. Richard Keith Poe*, Appellate Case Number: 2014-001239

Dear Ms. Kitchings;

Enclosed for filing is a motion for correction of the record in the above case and six copies. Also enclosed, please find the affidavit in support of the motion, the redacted sentencing sheets for Richard K. Poe, and the proof of service.

Sincerely,



Sean F. Cronin

Encl./9

cc: Richard Keith Poe
Robert Michael Dudek
Salley W. Elliot
Misti Shelton

Other Counsel of Record:

Richard Keith Poe, #259297
Evans Correctional Institution
610 Highway 9 West
Bennettsville, SC 29512

Mrs. Misti Shelton, Esquire
Assistant Solicitor, 16th Judicial Circuit
1675-1A York Highway
York, SC 29745
(803) 628 - 3020

Mr. Robert Michael Dudek, Esquire
P.O. Box 11589
Columbia, SC 29211

Ms. Salley W. Elliott, Esquire
P.O. Box 11549
Columbia, SC 29211

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM YORK COUNTY
COURT OF COMMON PLEAS

John C. Hayes, III, Circuit Court Judge

Appellate Case No. 2013- 001239

The State of South Carolina, Respondent,

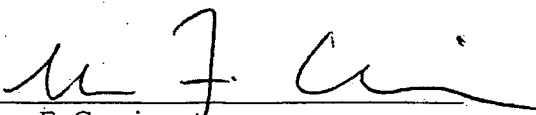
v.

Richard Keith Poe, Appellant.

MOTION FOR CORRECTION OF THE RECORD

Richard K. Poe filed a Notice of Appeal with this Court appealing his guilty pleas on the charges of Burglary in the 2nd Degree, Petit Larceny, and Conspiracy which were accepted by the Honorable John C. Hayes, III in the Court of General Sessions on June 4, 2013. Movant, Poe's attorney Sean F. Cronin, moves this Court for a correction of the record. The basis for this motion is as follows: The ORDER dismissing appellant's appeal states that Mr. Cronin never responded to the letter from the Court and that he promised to send the necessary documents to the Court. Movant would show that in response to the letter Mr. Cronin spoke with the Clerk's office via telephone on more than one occasion; that Mr. Cronin informed the Clerk that he did not have copies of the sentencing sheets, that the sentencing sheets are not routinely provided to attorneys and that the sentencing sheets are available to attorneys upon request from the Clerk's office. Movant would also show that he informed the Clerk's office that because he did not file the appeal he made no attempts at service for this appeal, and therefore he could not certify service for Mr. Poe's appeal or provide the requested documents. Movant respectfully requests that this Court correct the record in accordance with the above-stated facts.

August 22, 2014


Sean F. Cronin
The Law Offices of Michael L. Brown, Jr.
P.O. Box 1025
Rock Hill, SC 29731
(803)328-8822 p (803)328-0523 f
Attorney for Appellant

COPY

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM YORK COUNTY
COURT OF COMMON PLEAS

John C. Hayes, III, Circuit Court Judge

Appellate Case No. 2013- 001239

The State of South Carolina,

Respondent,

v.

Richard Keith Poe,

Appellant.

AFFIDAVIT OF SEAN F. CRONIN IN SUPPORT OF MOVANT'S
MOTION FOR CORRECTION OF THE RECORD

Affiant, being duly sworn, states the following:

1. I, Sean F. Cronin, am a resident of York County, South Carolina, and I am 46 years of age.
2. I am licensed to practice law in the state of South Carolina and I have been so licensed since September 17, 2009.
3. I was appointed to represent defendant Richard Kieth Poe on June 26, 2012.
4. Mr. Poe pled guilty to Burglary in the 2nd degree, Petit Larceny, and Conspiracy on June 4, 2013.
5. At the time of his sentencing I informed Mr. Poe that he had 10 days to appeal his conviction and told him to contact my office if he wished to do so.
6. Mr. Poe did not contact me within the 10 days following his sentencing.

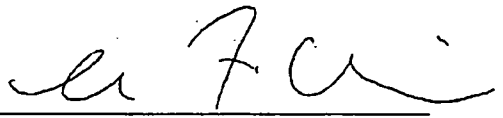
7. I spoke with the clerk's office in the Court of Appeals via telephone in response to their deficiency letter.

8. I informed the clerk's office that I did not have Mr. Poe's sentencing sheets, that I was not provided with Mr. Poe's sentencing sheets after his plea, and that sentencing sheets were not routinely provided to defense attorneys unless they were requested.

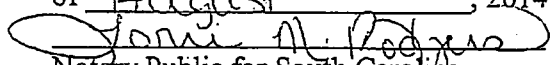
9. I also told the clerk's office that I could not provide the required Proof of Service in this appeal because I did not initiate this appeal, I was not asked to initiate this appeal, and that I would not certify that service had been completed because, up until that point, I had no involvement in this appeal other than being listed as counsel of record in the trial court.

10. The clerk's office asked that I provide something in writing to the Court stating those facts.

11. To the best of my knowledge and recollection, I was not asked to get copies of the sentencing sheets although I stated that I was able to do so if they requested it. I was not asked to do so and I did not promise to do so.


Sean F. Cronin

SWORN BEFORE ME this 22 day
of August, 2014


Notary Public for South Carolina

My commission expires: February 28, 2023



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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August 27, 2014

Mr. Sean Francis Cronin, Esquire
PO Box 1025
Rock Hill SC 29731

Re: The State v. Richard Keith Poe
Appellate Case No. 2013-001239

Dear Counsel:

This office is in receipt of your "Motion for Correction of the Record". Please be advised that the Remittitur was issued in this case on June 26, 2014. The issuance of this Remittitur ended the case and the Court of Appeals no longer has jurisdiction. Therefore, no action will be taken on your motion.

Very truly yours,

V. Claire Allen, Deputy

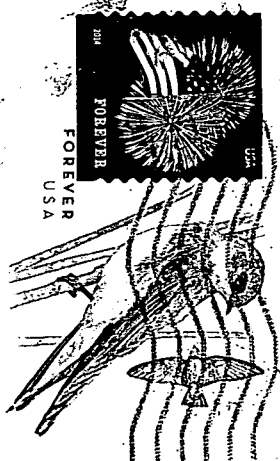
CLERK

cc: Richard Keith Poe, 00259297
Robert Michael Dudek, Esquire
Salley W. Elliott, Esquire

Richard K. Poe, 259297
Catawba Pre-Release
1030, Milling Rd
Rock Hill, SC, 29730

Clerk of Court
Mr, Shearouse
PO, BOX 11330
Columbia SC, 29211

CHARLOTTE NC
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