

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM SUMTER COUNTY  
COURT OF COMMON PLEAS

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MAY 18 2015

SC Court of Appeals

THE STATE,....., RESPONDENT,

v.

KEVIN CHOICE,....., APPELLANT.

MOTION TO COMPEL THE COURT  
TO ISSUE THE ORDER TO PENDING  
APPEAL CASE PENDING BEFORE THE COURT.

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KEVIN CHOICE, 257223  
LEE CORR. INST.  
990 WISACKY HWY.  
BISHOPVILLE, S.C.  
29010  
APPELLANT

DONALD J. ZELENKA, Esq.  
ASST. ATTY. GEN. OFFICE  
PO BOX 11549  
COLUMBIA, S.C. 29211  
COUNSEL FOR RESPONDENT

THE APPELLANT KEVIN CHOICE COMESNOW BEFORE THIS HONORABLE COURT WITH HIS MOTION TO COMPEL THE COURT TO ISSUE AN ORDER TO HIS PENDING APPEAL CASE THAT IS PENDING BEFORE THE COURT AT THIS CURRENT TIME, THE APPELLANT RESPECTFULLY MOVES WITH HIS MOTION TO COMPEL BASED ON THE FOLLOWING FACTS, STANCES AND DISABILITIES PLACED ON HIM IN HIS APPEAL BY THE COURTS, etc.; THE APPELLANT KEVIN CHOICE HAD MADE SEVERAL ATTEMPTS TO HAVE HIS ISSUES RESOLVED BY THE COURT OF APPEALS AND THE SUPREME COURT BUT TO NO AVAILS THE COURTS HAS OVERLOOKED SOME VITAL FACTS AND COMPLAINTS THAT WERE FULLY EXPLAINED TO THE COURTS, HOWEVER, THE APPELLANT NOW PURSUE HIS MOTION TO COMPEL TO THE COURT TO ISSUE AN ORDER SO THAT HE COULD FURTHER EXERCISE HIS CONSTITUTIONAL RIGHTS AND ACHIEVE HAVING HIS APPEAL CORRECTLY PREPARED AND SUBMITTED TO THE APPELLATE COURTS FOR IT TO BE REVIEWED BASED UPON THE MERITS AND FAVORABLE EVIDENCE THAT THE RECORD OF APPEAL WOULD REVEAL AS SHOULD HAVE BEEN DONE IN THE FIRST STANCES OF THE INITIAL APPEAL HAVE BEEN FILED TO THIS HONORABLE COURT, THE APPELLANT EXPLICITLY AND DEPTH HAS EXPLAINED TO THE COURTS THAT HE COULD NOT OBTAIN THE HEARING TRANSCRIPT THAT WAS HELD IN THE LOWER COURT, THE APPELLANT ALSO EXPLAINED TO THE COURTS THAT HE IS AN INDIGENT LITIGATOR AND DO NOT HAVE NO FINANCIAL RESOURCES AVAILABLE TO HIM FROM NO ONE. THE COURT PLACED AN OBLIGATIONS ON THE APPELLANT TO FILE THE RECORD OF APPEAL TO THE COURT AND FILE THE DESIGNATION OF MATTERS TO BE INCLUDED ON THE RECORD OF APPEAL BUT YET AND STILL THE COURT EXPECTED FOR THIS TO BE DONE WITHOUT THE APPELLANT HAVING HIS HEARING RECORDS FROM THE LOWER COURT COURT REPORTER, AND WITH THE HONORABLE COURT BEING WELL AWARE OF THE RULES OF THE APPELLANT COURT THESE OBLIGATIONS ARE REQUIRED TO BE FOLLOWED BUT THEY ARE IMPOSSIBLE FOR THE APPELLANT TO COMPLY TO BECAUSE THE APPELLANT IS INDIGENT, AND MORELESS SO, THE APPELLANT COULD NOT HAVE HIS APPEAL REVIEWED BASED UPON THE MERITS BECAUSE THERE ARE NOT A RECORD TO BE SUBMITTED TO SHOW THE ERRORS OF LAWS THAT WERE COMMITTED IN THE APPELLANT CASE MATTER IN THE HEARING OF THE LOWER COURT. THE COURT OF APPEALS IS WELL AWARE OF THE APPELLANT APPEALING ALL RULINGS FROM THE COURT OF APPEALS TO THE SUPREME COURT BASED UPON THEM BEING NON-FAVORABLE TO HIM EVEN AFTER HE EXPLAINED TO THE COURT THAT HE CAN NOT AUSPICES HIMSELF IN COMPLIANCE WITH THE COURT RULES TO FINISH AND COMPLETELY FILE HIM APPEAL TO THE COURT, AND THIS WAS DONE AFTER APPELLANT ATTEMPTED TO HAVE HIS FAMILY MEMBER(S) TO OFFER FINANCIAL ASSISTANCE TO HIM BUT THIS WAS A FAILED EFFORTS DUE THE FAMILY MEMBERS NOT BEING ABLE TO BARING ON THEIR FINANCIAL STATUES, etc.

APPELLANT KEVIN CHOICE ALSO EXPLICITLY SHOWS AND POINT OUT TO THE COURT THAT IT OVERLOOKED THE FACT THAT THE LOWER COURT ALLOWED THE CASE ATTORNEY TO

REPRESENT THE APPELLANT DURING THE MOTION FOR A NEW TRIAL BASED UPON AFTER TRIAL DISCOVERED EVIDENCE, AND BASED UPON THE CONSTITUTIONAL RIGHTS AND THE LAWS THAT BINDS THE COURTS IN SUCH CASES THE COURT HAD THE OBLIGATIONS TO PROTECT THE APPELLANT'S CONSTITUTIONAL RIGHTS DURING SUCH OF A HEARING, AND AS IT IS COURSED BY THE SAME WELL SETTLED LAWS THAT GOVERNS THE APPELLATE COURTS THE APPELLATE COURT WERE SUPPOSE TO SANCTION THE CASE ATTORNEY WHEN HE FAILED COMPLETE HIS DUTIES IN REPRESENTING THE APPELLANT, BY MEANS, THE COUNSEL OF RECORD SHOULD HAVE FILED THE INDIGENT FORM TO THE COURT AND THE INDIGENT DEFENSE DIVISION, SO THE COURT OF APPEALS FORWARDED THIS FORM TO THE SCIDC, AND THEN THIS WOULD HAVE COMMENCED THE AGENCY TO ORDER THE TRANSCRIPT OF THE HEARING, REGARDLESS OF HOW THE OUTCOME OF THE DECISION FOR INDIGENT REPRESENTATION WOULD HAVE BEEN BECAUSE THE APPELLANT WOULD HAVE HAD HIS RECORD OF THE APPEAL TO BE ASSISTANCE TO HIM. THE APPELLANT SHOWS THE COURT THAT THERE IS AN OBLIGATION TO HIM BY THE COURT BECAUSE BASED UPON THE SENTENCE IN ITSELF THE COURT MUST PLACE THE BALANCES TOWARDS FAIRNESS AND OBJECTIVES IN THE SAME ARENA SO THAT A RIGHTEOUS RULINGS AND AN END WILL BE RENDERED TO THE APPELLANT'S CASE MATTERS. THE APPELLANT DOES NOT COME TO PREACH A SERMON ABOUT RIGHTEOUS OR UNRIGHTEOUS BUT THE APPELLANT DOES EXPLICITLY PLACES THE FACTS BEFORE THE COURT TO SHOW THAT HE DOES NOT DEFY THE COURT NOR DOES HE IGNORES THE COURT IN ITS DIRECTIVES AND ORDERS GIVEN TO HIM . THE APPELLANT DOES PLACE THE CONSCIOUS OF THE COURT ON DISPLAYS ONLY TO IT TO SHOW THAT THERE ARE AN UNREASONABLE JUDGEMENTS BEING UNORDINARY RENDERED TO THE APPELLANT'S CASE IN THE SENSES THAT BASED UPON THE APPELLANT'S INDIGENT STATUSES NO ONE IS LISTENING TO HIM EVEN WHEN HE PLACES ALL HONESTY TO THE COURT THAT HE IS DISABLED FORM COMPLYING TO THE RULES OF THE COURT BECAUSE HE CAN NOT OBTAIN THE RECORD OF THE CASE FROM THE LOWER COURT HEARING TO HIS CASE MATTERS.

CONCLUSION

THE APPELLANT COMPEL THE COURT TO ISSUE THE ORDER TO HIS APPEAL SO THAT THE REMEDY STAGES OF HIS CASE WILL BE FURTHER CONCLUDED BY HE SUPREME COURT ONCE THERE IS NO OTHER REMEDY AVAILABLE IN THE COURT OF APPEALS.

THE APPELLANT PRAYS THIS RELIEF BE GRANTED, ON THIS 14th DAY OF MAY 2015.

RESPECTFULLY SUBMITTED,

MAY 14, 2015

s/   
KEVIN CHOICE, 257223

990 WISACKY HWY.  
BISHOPVILLE, S.C. 29010

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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MAY 18 2015

SC Court of Appeals

CERTIFICATE OF SERVICE

I, KEVIN CHOICE, 257223, DO CERTIFY THAT I DID MAIL A TRUE COPY OF MY MOTION TO COMPEL THE COURT OF APPEALS TO ISSUE AN ORDER TO THE PENDING APPEAL PENDING BEFORE THE COURT, BY WAY OF US MAIL, POSTAGE PREPAID TO HIS OFFICE ADDRESS AT: PO BOX 11549, COLUMBIA, S.C. 29211-1549, RESPONDENT D.J. ZELENKA, Esq., ASST. ATTY. GEN. AND PERSONALLY DELIVERING IT TO THE PRISON MAIL-ROOM POSTAL DIRECTOR, ON THIS 14th DAY OF MAY 2015. AS ALL VERIFIED THAT WAS SENT TO THE RESPONDENT BY WAY OF MAIL SERVICES THAT ARE ONLY AVAILABLE TO THE APPELLANT IN COMMUNICATING THE RESPONDENT, IN THIS CASE MATTERS, etc.

MAY 14, 2015

S/   
KEVIN CHOICE, 257233  
990 WISACKY HWY.  
BISHOPVILLE, S.C. 29010  
APPELLANT

COUNSEL OF RECORD SERVED:  
DONALD J. ZELENKA, Esq.  
RESPONDENT

KEVIN CHOICE, 257223  
LEE CORR. INST./F42132  
990 WISACKY HWY.  
BISHOPVILLE, S.C. 29010

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MAY 18 2015

SC Court of Appeals

MAY 14, 2015

HON: J. KITCHINGS, CLERK  
SC COURT OF APPEALS  
3.O. BOX 11629  
COLUMBIA, S.C. 29211

RE: THE STATE V. KEVIN CHOICE, INITIAL APPEAL, etc., SEE ENCLOSED  
MOTION TO COMPEL COURT TO ISSUE ORDER TO PENDING APPEAL.

DEAR MS. KITCHINGS:

PLEASE SEE ENCLOSED MY MOTION TO COMPEL THE COURT OF APPEALS TO  
ISSUE THE ORDER TO THE PENDING APPEAL THAT IS FILED TO MY CASE  
MATTER CURRENTLY AND PROPERLY FILED IN THIS HONORABLE COURT.  
I HAVE PROVIDED AN EXTRA COPY OF MY MOTION SO IT CAN BE MAILED  
AND SENT BACK TO ME WITH YOUR OFFICE SEALS STAMPED ON THEM FOR MY  
RECORDS. I HAVE PROVIDED TO YOU THE ORIGINAL CERTIFICATE OF  
SERVICE SHOWING THAT THE RESPONDENT HAVE BEEN SERVED THE SAME.

THANK YOU IN THE ADVANCE FOR YOUR TIME AND ASSISTANCE GIVEN TO  
ME IN THIS CRUX MATTERS AND I LOOK FORWARD IN HEARING FROM YOU IN  
THIS VERY NEAR FUTURE.

AGAIN THANK YOU!

ENCLOSURES:

RESPECTFULLY SUBMITTED,



KEVIN CHOICE  
990 WISACKY HWY.  
BISHOPVILLE, S.C. 29010  
APPELLANT

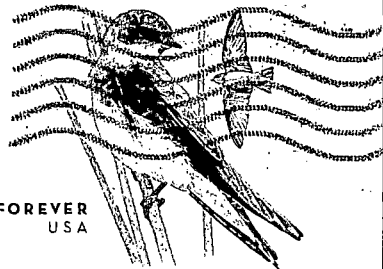
cc: SC SUPR. Ct.  
D.J. ZELENKA, Esq.  
FILES/kc

Mr. Kevin L. Choice, 257223  
Lee Corr. Inst. / F4 2132  
990 Wisacky HWY  
Bishopville, SC 29010

COLUMBIA SC 290

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SC Court of Appeals

Hon. J. Kitchings, Clerk  
SC Court of Appeals  
P.O. Box 11629

Columbia, SC 29211

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