

LEE CORRECTIONAL INSTITUTION
990 WISACKY HIGHWAY
BISHOPVILLE SOUTH CAROLINA 29010

MAY 29th., 2015

HONORABLE JEAN TOAL, J.
S.C. SUPREME COURT OF APPEALS
POST OFFICE BOX #11629
COLUMBIA SOUTH CAROLINA 29211

RECEIVED

JUN 18 2015

SC SUPREME COURT

RECEIVED

JUN 19 2015

SC Court of Appeals

RE: KEITH LETMON vs. STATE, CASE NO.: 2012-213672

DEAR HONORABLE JEAN TOAL,

PLEASE BE AWARE AND TAKE NOTICE THAT THIS LETTER, NOTICE, COMPLAINT, GRIEVANCE AND OR CORRESPONDENCE IS BEING SUBMITTED IN GOOD-FAITH ON THE ABOVE DATE, WITH ALL DUE RESPECT....

PLEASE BE FURTHER ADVISED AND AWARE THAT I, MR. KEITH LETMON, HEREBY STATE THE FACTS THAT MY ATTORNEY, ROBERT M. DUDEK, OF THE S.C.C., FOR INDIGENT DEFENCE, ATTENDED AN ORAL ARGUMENT HEARING ON MY CASE ON FEBRUARY 3rd. 2015, AND AN OPINION WAS FILED. ON MARCH 5th. 2015, ATT. ROBERT M. DUDEK, SENT ME A LETTER STATING THAT HE WAS CLOSING MY CASE, (SEE ATTACHMENT(S))....

I PROCEEDED TO FILE A PETITION FOR A RE-HEARING AND ENBANC IT WAS FILED IN THE SOUTH CAROLINA COURT OF APPEALS. ON MARCH 24th. 2015, I RECEIVED A LETTER FROM THE CLERK, (SEE ATTACHMENT(S) THE CLERK STATED THAT I CAN NOT FILE PRO-SE, DUE TO ME ALREADY HAVING COUNCIL, UNLESS DONE BY COUNCIL. I RE-SENT THE PETITION THE ENBANC ALONG WITH THE ATTACHED CORRESPONDENCE FROM MR.

DUDEK WITH THE CLERK. THE RESPONSE I RECEIVED STATED THAT MR. DUDEK IS STILL MY ATTORNEY OF THE RECORD UNTIL THE COURT ISSUES AN ORDER TO RELEASE HIS ASSISTANCE OF MY MATTERS. I WROTE MR.

DUDEK, REQUESTING HIM TO FILE THE PETITION FOR RE-HEARING/ENBANC,
AND I ALSO ATTACHED THE CORRESPONDENCE FROM THE CLERK STATING
HE WAS STILL MT ATTORNEY ACCORDING TO THE RECORD AND I NEED
HIS ASSISTANCE IN SUBMITTING THE STATED DOCUMENTS HEREIN WITH
ALL DUE RESPECT. I ASKED THE CLERK HAS THE TIME EXPIRED FOR
ME BEING ABLE TO FILE THESE DOCUMENTATIONS, WILL I RECEIVE AN
EXTENTION???? WITH ALL DUE RESPECT, I REQUEST AN EXTENTION.

PLEASE, ALSO BE AWARE AND ADVISED THAT ^I HAVE NOT RECEIVED
A RESPONSE FROM NEITHER THE CLERK OR ATT. DUDEK. I HAVE STRIVED
TO CONTACT ATT. DUDEK, AND HIS PHONE NUMBER IS BLOCKED FROM
ME CALLING HIM. I BELIEVE HE HAS ABANDONED ME YOUR HONOR....

I HAVE VERY INTERESTING AND RELEVANT ISSUES THAT REALLY
REQUIRES THE REASONABLE MIND AND OPINION, WHICH YOU POSSESS,
AND I REQUEST THAT YOU PLEASE RESPOND AS SOON AS POSSIBLE....

RESPECTFULLY SUBMITTED....

s/ Keith Letmon
KEITH LETMON#214137



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
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March 24, 2015

Keith Letmon, 214137
Lee Correctional Inst.
1204 East Church St.
Bishopville SC 29010

Re: The State v. Keith Letmon
Appellate Case No. 2012-213672

Dear Mr. Letmon:

The Court has received your Petition for Rehearing and Petition for Rehearing En Banc. Because you are represented by counsel, we are returning your filings to you. *See Miller v. State*, 388 S.C. 347, 347, 697 S.E.2d 527, 527 (2010) ("Since there is no right to 'hybrid representation' that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relieve counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel.").

Very truly yours,


CLERK

cc: Robert Michael Dudek, Esquire
Donald J. Zelenka, Esquire
Alan McCrory Wilson, Esquire
Barry Joe Barnette, Esquire
John W. McIntosh, Esquire



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589

~~Columbia, South Carolina 29244-1500~~

Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

March 5, 2015

Keith Letmon, #214137
Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, SC 29010

Re: Your case

Dear Mr. Letmon:

Enclosed is a copy of the opinion of the Court of Appeals affirming your conviction. Please be advised that our office will be closing your case along with this letter.

Please be aware that there is a **one year statute of limitations for filing an application for post-conviction (PCR) relief**. This is one year from the date of the enclosed opinion. This statute of limitations is **very strictly enforced**, so please be sure that **you** comply with it. Please understand *it is your responsibility alone to be sure this PCR application is timely filed*. **This application must be filed with the clerk of court in the county of your conviction**. There is also now a **one year statute of limitations for filing for federal habeas**. However, you must **exhaust your PCR claims** in state court, before raising them in federal court.

Please be aware that the time between your direct appeal becoming final, and the date your PCR application is filed **will count against your federal habeas statute of limitations in the future**. I do wish you the best. Feel free to contact me if you have any questions.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD/rdf

Enclosure: Post-Conviction Relief Application



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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April 14, 2015

Keith Letmon, 214137
Lee Correctional Inst.
1204 East Church St.
Bishopville SC 29010

Re: The State v. Keith Letmon
Appellate Case No. 2012-213672

Dear Mr. Letmon:

The Court has received your Petition for Rehearing. Even though Mr. Dudek sent you a letter indicating that his office closed your file, Mr. Dudek remains your counsel of record until relieved by order of the court. See Rule 264, SCACR. Accordingly, because you are represented by counsel, we are returning your filings to you. See Miller v. State, 388 S.C. 347, 347, 697 S.E.2d 527, 527 (2010) ("Since there is no right to 'hybrid representation' that is partially pro se and partially by counsel, substantive documents, with the exception of motions to relieve counsel, filed pro se by a person represented by counsel are not to be accepted unless submitted by counsel.").

Very truly yours,

A handwritten signature in black ink, appearing to read "Jenny A. Kitchings". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.
CLERK

cc: Robert Michael Dudek, Esquire
Donald J. Zelenka, Esquire
Alan McCrory Wilson, Esquire
John W. McIntosh, Esquire

THE STATE of South Carolina

IN THE Court of Appeals

Appeal from Spartanburg County
THE Honorable J. Derham Cole, Circuit Judge

Keith Letmon SCDC# 214137 Appellant

THE STATE of South Carolina Respondent

Motion for Rehearing EN BANC

Now comes the Appellant, pursuant to Rule 219 (B) of the South Carolina Appellate Court Rules, requesting a rehearing "EN BANC" regarding the grounds for relief raised in appeal for the above matter.

Appellant raised on appeal "Misidentification" under "Neil v Biggers, 409 US 188 (1972)". In Biggers, the Supreme Court of the United States developed a two prong inquiry to determine the admissibility of an out-of-court identification, Model 343 S.C. at 287, 540 S.E. 2d at 477. First a court must determine whether the identification process was unduly suggestive. The South Carolina Court of Appeals agreed that the process was suggestive. Second a court must

Whether the identification was nevertheless so reliable that the substantial likelihood of mis-identification existed. The South Carolina Court of Appeals held that the identification was reliable. I differ. Note that in the second prong from the above matter the following should be considered, to determine the likelihood of mis-identification. (1) THE WITNESS'S OPPORTUNITY TO VIEW THE PERPETRATOR AT THE TIME OF THE CRIME. (2) THE WITNESS'S DEGREE OF ATTENTION. (3) THE ACCURACY OF THE WITNESS'S PRIOR DESCRIPTION OF THE PERPETRATOR (4) THE LEVEL OF CERTAINTY DEMONSTRATED BY THE WITNESS AT THE TIME OF CONFRONTATION AND (5.) THE LENGTH OF TIME BETWEEN THE CRIME AND CONFRONTATION.

Copeland claimed to have known Appellant for six to seven years. "At the time of the crime" Copeland stated Tr. pg 108 2-3 "He got out, he got out and got by the tree and raised up and started shooting. From the Forensic Diagram of the Spartanburg City Police Dept. From the tree to the porch where Copeland alleged to have been seated is 21' or 27' feet away not 10 feet as Copeland stated. Tr pg 114-115 Copeland stated everybody saw him to the other side of the

And the crime happened very fast. No porch light, 5AM intoxicated, high off refer.
TR pg 110-111 Copeland admits to drinking two or three bottles of BUNNETTS which is LIQUOR.
TR pg 140 OFFICER STEPHEN McCLOVE SAID Copeland SMELLED of ALCOHOL. SIMMONS r US 390 US 377, 88 S.Ct 967 FN3 (REGARDLESS of how the MISIDENTIFICATION COMES about, the witness thereafter is apt to retain IN his MEMORY the IMAGE of the photograph rather than of the person actually * 384 SEEN, reducing the trustworthiness of ~~the~~ subsequent LINE UP or COURTROOM IDENTIFICATION.)

ROSS At the time of the crime in her statement TR pgs 173-174. she states she didnt see his face good. ~~the~~ Description she gave was that ~~the~~ perpetrator was 6 foot 160 pounds. Mc JAN 58 172. Totally different. Her certainty TR pgs 21-22. Detective PORTER says she may have picked SHONDELL HOLMES out of many first with him. THATS the other SLOW Det. PORTER says he KNOWS from the North Side. THATS what the witnesses first told the police it was SLOW "SHONDELL HOLMES" from the North Side before Det. PORTER came in with his suggestiveness. TR pgs 43-44 Det. NELSON admits to not completion from

Plant of Ross see form, as well as other Admonition forms of other witnesses Copeland, Robinson. We don't know whom Ross picked out. Stated above she may have picked out Shondell Holmes @ Det. Peters words. In all forms besides Ross Admonition form they have the # of the picture that the witness looked at long or picked in Ross there was none of that.

Robinson stated in her admonition form she could not identify no-one. So at the time of the crime she could not see the perpetrator. After seeing appellants face on news and newspaper. It caused her to appellant.

JESSE worthy is pg 182, 20-20 Did you see what happened? "Answer" No I didn't.

The whole issue here is at the time of the crime neither witness saw who committed this act. The second prong of one of them is at the time of the crime the witnesses opportunity to view the perpetrator. Not who who there earlier or who you think it might be. The witnesses degree of attention Every one can as Copeland testified to.

off and it happened fast. Blamable nature, if
SOMEONES shooting and you dont know at
who or who the person is you're running for
safety not trying to see whats going on. This
whole case rests on misidentification. ONCE the
WITNESSES SAID that it was slow from the North
Side of town the investigation should have started
there, but Detective Porter took it upon himself
to suggest that it wouldnt be the slow from the
North Side but the slow from the South Side. TR pg
12, LINES 1-5, TR pg 19 3-5 also see attachments.
So for the above reasons the Appellant is asking
for a new trial to correct this injustice that
was ~~had~~ handed.

Also other meritorious issues that Appellant
Counsel didnt bring to the Courts attention
that Appellant advised Counsel to do but did
not.

1.) NOT bringing to the Courts attention
that trial judge didnt rule on several objections
made by trial counsel pgs 250 - 252. Trial
Counsel objected saying that the State didnt tie
the said one to Appellant.

2.) THERE WERE GLOVES BEING DISCUSSED and wasnt
allowed to go into evidence due to the

Custody ISSUES TRIAL counsel moved to strike testimony of the gloves from the record. Trial Judge allowed ~~to~~ testimony and the pictures of the gloves to be entered into evidence. Abuse of Discretion.

It affected Appellant by painting a picture of they got evidence that ~~is~~ links appellant to said crime.

All of these issues led to a cumulative ~~of~~ effect that made it impossible to get a fair trial.

Respectfully Submitted

S. Keith Estro

LEE CORRECTIONAL INSTITUTION

F-4-B 1209

990 WINDY HAY

Bishopville SC 29010

THE STATE OF South Carolina

IN THE Court of Appeals

Appeal from Spartanburg County

THE HONORABLE J. DERHAM COLE, Circuit Judge

KEITH LEMON SCDC # 214137 Appellant

v

THE STATE OF South Carolina Respondent

Petition for Rehearing

Now comes the Appellant, pursuant to rule 221 (A) of the South Carolina Court Rules, requesting for a "rehearing" regarding the grounds for relief raised in his meritorious brief in the above matter. Timely appeal was filed, the appellant was convicted of murder. Mr Robert M Dudek of the Appellant Defense office was appointed as counsel. On February, 3, 2015 an oral argument was held for a meritorious issue. An unpublished opinion No: 2015-UP-117 was filed March 4, 2015 in which the court affirmed the conviction of applicant.

In the above matter before the court, the Appellant raised a meritorious claim which was reviewed by the court. Rule 221 (A) WHEREAS

HE IS REQUIRED TO STATE WITH PARTICULARITY THE
POINTS SUPPOSE TO HAVE BEEN OVERLOOKED OR
MISAPPREHENDED BY THE COURT.

FOR THE ABOVE REASONS STATED, AND THE ATTACHED
MOTION FOR REHEARING EN BANC THATS INCLUDED
IN SUPPORT OF THIS MOTION, THE APPELLANT PRAYS
THE COURT WILL GIVE HIM A HEARING TO ADDRESS
THIS MATTER.

Respectfully submitted
s Keith Letmon
KEITH LETMON #214137
LEE COLLECTIONAL INSTITUTION
F-4-B-1209
990 WISACKY HIGHWAY
BISHOPVILLE S.C. 29010



RECEIVED

JUN 19 2015

The Supreme Court of South Carolina ^{SC Court of Appeals}

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
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June 19, 2015

Mr. Keith Letmon, #214137
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29210

RE: *State v. Letmon*, Appellate Case No. 2012-213672

Dear Mr. Letmon:

This responds to your letter to Chief Justice Toal dated May 29, 2015. This letter was received on June 18, 2015, in an envelope indicating it was received by the Mail Room of the Lee Correctional Institution on June 15, 2015.

Please be advised that this Court cannot consider this *ex parte* communication about the above case. Further, the South Carolina Court of Appeals sent the remittitur to the circuit court in the above case on May 20, 2015. The sending of the remittitur ended appellate jurisdiction over this case. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

Sincerely,

Daniel E. Shearouse

cc: Robert Michael Dudek, Esquire (with copy of letter minus attachments)
Donald J. Zelenka, Esquire (with copy of letter minus attachments)
The Honorable Jenny Abbott Kitchings (with copy of letter with attachments)