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JUL 01 2015

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

DAVID DASE SHERIFF  
# 171192 APPELLANT

VS.

THE STATE OF SOUTH CAROLINA  
RESPONDENT

CA No: 2013-CP-04-1431

MOTION TO APPOINT  
SUBSTITUTE APPELLATE  
COUNSEL

I DAVID DASE SHERIFF # 171192 APPELLANT, MOVE  
THIS HONORABLE COURT FOR AN ORDER TO APPOINT  
SUBSTITUTE APPELLATE COUNSEL FOR APPEAL FROM  
FROM DENIAL OF APPELLANTS POST CONVICTION RELIEF  
ACTION DENIED BY THE HONORABLE EDGAR W.  
DICKSON, CIRCUIT COURT JUDGE, ON JULY 30, 2014,  
AND ORDER OF DISMISSAL ISSUED ON MAY 1, 2015  
AND FILED ON MAY 7, 2015.

(1)

APPELLANT'S POST CONVICTION RELIEF COURT  
APPOINTED ATTORNEY FILED A TIMELY NOTICE  
OF APPEAL SEE EXHIBIT A, ALSO SERVING A  
COPY OF SAID NOTICE AND COPIES OF ALL  
DOCUMENTS REQUESTED ON THE SOUTH CAROLINA  
OFFICE OF APPELATE DEFENSE SEE EXHIBIT B

HEREIN LIES APPELLANT'S ISSUE OF CONFLICT  
OF INTEREST, AFTER A JURY FOUND APPELLANT  
OF 1<sup>ST</sup> DEGREE BURGLARY AS INDICTED, THE  
HONORABLE JUDGE MCINTOSH SENTENCED APPELLANT  
TO A TERM OF LIFE WITHOUT THE POSSIBILITY  
OF PAROLE (LWOP)

A TIMELY NOTICE OF APPEAL WAS FILED ON APPELLANTS BEHALF AND PERFECTED BY LANELLE DURANT, ESA. OF THE OFFICE OF THE SOUTH CAROLINA APPRIATE DEFENSE PURSUANT TO ANDERS V CALIFORNIA 386 U.S. 738 (1967) THE SOUTH CAROLINA COURT OF APPEALS AFFIRMED APPELLANTS SENTENCE AND CONVICTION STATE V DAVID DALE SHERRIFF No. 2012-AP-453 (S.C. App. FILED ON JULY 18, 2012) THE REMITTER WAS ISSUED ON 8-10-2012.

IT IS APPELLANTS BELIEF THAT SHOULD COUNSEL BE APPOINTED AGAIN FROM THE SOUTH CAROLINA OFFICE OF APPRIATE

(3)

DEFENSE THAT IT WOULD AMOUNT TO A  
CONFLICT OF INTEREST OR AT BEST, LESS  
THAN ADEQUATE DEFENSE. APPELLANT CAN  
SHOW FROM THE TRIAL RECORD THAT THE  
FIRST ATTORNEY APPOINTED BY THE  
SOUTH CAROLINA OFFICE OF APPEALATE  
DEFENSE TOOK THE SHORT ROUTE AND  
FILED AN ANDERS BRIEF AND A MOTION  
TO BE RECEIVED AS COUNSEL, WITHOUT  
SEARCHING THE RECORD TO SEE IF THERE  
WERE IN FACT VALID ISSUES WHICH WERE  
RAISED TO AND RULE UPON AT TRIAL.

### Conclusion

FOR THE FOREGOING REASONS APPELLANT  
PRAYS THIS HONORABLE COURT WILL ISSUE  
AN ORDER TO APPOINT SUBSTITUTE APPELLATE  
COUNSEL.

6/24/2015  
DATE

David J. Stovall  
DAVID DATE SHERIFF  
#171192

PRO-SE

DAVID DADE SHERIFF # 171192-CA-36

Inter-agency

LIEBER CORR. INST.

P.O. BOX 205

RIDGEVILLE, S.C. 29472

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JUN 25 2015

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LIEBER CI

SOUTH CAROLINA SUPREME COURT

P.O. BOX 11330

COLUMBIA, S.C. 29211

FOR LEGAL USE ONLY

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

DAVID DALE SHERIFF  
#171192 APPELLANT

VS

THE STATE OF SOUTH CAROLINA  
RESPONDENT

CA/NO. 2013-CP-04-1431

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PROOF OF SERVICE JUL 01 2015

S.C. SUPREME COURT

I CERTIFY THAT I HAVE SERVED THE MOTION TO APPOINT  
SUBSTITUTE APPELLATE COUNSEL AND EXHIBITS BY  
DEPOSITING A COPY OF IT IN THE U.S. MAIL POSTAGE  
PREPAID ADDRESSED AS FOLLOWS:

SOUTH CAROLINA SUPREME COURT  
P.O. BOX 11330  
COLUMBIA, S.C. 29211

OFFICE OF THE ATTORNEY GENERAL  
P.O. BOX 11549  
COLUMBIA, S.C. 29211

SOUTH CAROLINA COMMISSION OF INDEPENDENT DEFENSE  
P.O. BOX 11589  
COLUMBIA, S.C. 29211

6/24/2015  
DATE

David J Sheriff  
DAVID DALE SHERIFF #171192  
PRO-SE

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM ANDERSON COUNTY  
COURT OF COMMON PLEAS

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JUL 01 2015

HONORABLE EDGAR W. DICKSON

2013-CP-04-1359

S.C. SUPREME COURT

DAVID DALE SHERIFF, #171192

APPELLANT,

VS

STATE OF SOUTH CAROLINA,

RESPONDENT.

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NOTICE OF APPEAL

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David Dale Sheriff, #171192 appeals the denial of his Post Conviction Relief. The Post Conviction Relief Action was heard and denied by the Honorable Edgar W. Dickson, Circuit Court Judge on July 30, 2014, and Order of Dismissal issued on May 1, 2015, and filed on May 7, 2015. The Appellant received Order of Dismissal on May 8, 2015.



Hugh W. Welborn  
Attorney for the Appellant  
Post Office Box 173  
Anderson, South Carolina 29622  
(864) 226-5787  
Attorney for David Dale Sheriff, #171192

Other Counsel of Record:  
Walt Whitmire  
Office of Attorney General State of SC  
Post Office Box 11549  
Columbia, South Carolina 29211

EXHIBIT-B

*Hugh W. Welborn*

Attorney at Law  
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913 Carolina Circle  
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Office Telephone:  
(864) 226-5787

Fax:  
(864) 224-3738

May 8, 2015

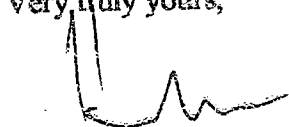
South Carolina Office of Appellate Defense  
P. O. Box 11589  
Columbia, South Carolina 29211-1589

In RE: David Dale Sheriff, #171192 vs. State of South Carolina  
Case #: 2013-CF-04-1431

Dear Sir or Madam:

In connection with the foregoing matter, please be advised that I was the Court Appointed Attorney and enclose herewith a copy of my appointment. I also enclose copies of all documents you requested for filing a copy of the Appellant's Notice of Appeal in this matter together with a copy of the Order and Proof of Service. I ask that your office assume representation of this indigent Applicant.

Very truly yours,



Hugh W. Welborn

HWW/sba  
Enclosures

cc: Court of Appeals  
Office of Attorney General

DAVID DADE SHERIFF # 171192-CA-36  
LIEBER CORR. INST.  
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**FOR LEGAL**