

STATE OF SOUTH CAROLINA

In The Supreme Court

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JAN 28 2016

APPEAL FROM SPARTANBURG COUNTY

Court of Common Pleas

S.C. SUPREME COURT

Honorable Deadra L. Jefferson, Circuit Court Judge

CASE NO: 2012-CP-42-2465

REGINALD C. SHEFTALL, #349774,

Appellant,

- - VS - -

STATE OF SOUTH CAROLINA,

Respondent.

APPELLATE CASE NO: 2015-000781

MOTION TO RELIEVE COUNSEL OF RECORD

NOW COMES the appellant, Reginald C. Sheftall, and prays this Honorable Court relieve his current appointed appellate defense counsel, Wanda H. Carter, Esq., of the South Carolina Commission on Indigent Defense, Appellate Division.

Ms. Carter erroneously appraised appellant to the statutes (e.g. statute of limitations) concerning a claim of newly discovered evidence being filed through an Application for

Post Conviction Relief in the lower court (e.g. she claim appellant can file a successive post-conviction application to a claim of newly discovered evidence when appellant's current appeals have expired.

Appellant through pro se representation attempted to file a MOTION TO STAY his appeals until he could present a claim of newly discovered evidence in the lower court, and if necessary, incorporate this additional claim within his current appeal, which would prevent any state or federal procedural defaults to this claim. After this Court rejected his motion as "Hybrid Representation" appellant presented this motion to appellate counsel for filing. Counsel refused to grant appellant's request, stating, "you can file a second PCR Application when these appeals have expired."

Appellant argues under South Carolina Law §17-27-45(C) clearly states in part:

"if there is evidence of material fact not previously presented and heard that requires vacation of the conviction or sentence, the application "must" be filed under this chapter within "one year after the date of actual discovery"

Appellant complains the newly discovered evidence (Prosecutor Misconduct "Conflict of Interest") was discovered

during an evidentiary hearing held in Spartanburg County on January 14, 2015. If appellant would have taken counsel's advise, he would have been procedurally barred from raising this claim in any state or federal proceeding.

Appellant has currently filed in the lower court an Application for Post Conviction Relief dated January 11, 2016, and a "complaint" against Ms. Carter with the Office of Disciplinary Counsel and Commission on Lawyer Conduct. It can now only be reasoned that a "conflict of interest" has tainted appellant's appeal proceedings and Ms. Carter has demonstrated she does not have appellant's best interest at hand.

CONCLUSION

For reasons set forth above, but not limited to, appellant prays this court relieve Wanda Cater as appellant's "counsel of record" and appoint new counsel to perfect appellant's appeal proceedings.

APPELLANT FOREVER PRAYS.

DATE: 1-22-16

Reginald C. Sheftall #348974

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