

RECEIVED

MAY 30 2012

S.C. SUPREME COURT

Rosalyn w frierson

S.C Court Administration

1015 Sumter street Suite 200

Columbia S.C 29201

RE: Inadequate Filing by the Supreme Court clerks

On the 12th day of October, 2011, I moved a complaint before the Supreme Court, regarding misconduct that was administered by the agents whom are assigned to represent my case, such as the Appellate defender, as well as my trial attorney, as well as the attorneys whom are representatives of the state Such as the Solicitor, and the assistance Attorney General. However, this complaint was imperative for proper review by the Supreme court at the time of its submission before the Honorable Court) (Exh S) My intention for this complaint was only for the sole means of admonishment to the Supreme Court of previous fraud and conspiracy, and which the complaint clearly bring forth the Confederacy whom are responsible for the deprivation and in continuance in willfully depriving me of fair usage of the Courts.

However the complaint clearly establishes that this document was indeed submitted before the Supreme Court as a Complaint pursuant to 413 Rule 1 Rule 2 (S) (aa) on the 12th day of October 2011 (Exh S); But However, was made by the

Clerk of the Supreme Court, a motion to relieve Counsel, and was denied and ruled upon as a motion to relieve Counsel (Exh, K), despite of the fact that I Samuel Lamont Whitner, had never submitted a motion to relieve Counsel, on the 12th day of October 2011, see (Exh B, Pg 2)

The complaint generally establishes that the agents therein complained of, administered acts of conspiracy and fraud in my case. Due to the complaint not properly view by the Supreme Court I then made an objection pursuant to Rule 12 (a) h (3) S C R C P (Exh, B) prior to the Supreme misconstruing the complaint as a actual motion to relieve counsel (Exh, K.). Supreme Court Clerk informed me that no action will be taken my objection (Exh B1)

Again the intention of this complaint is to serve as admonishment to the Supreme Court that the agents therein complained of is indeed a confederacy in regards to the representation and were set forth to argue my case before the Supreme Court on the 18th day of October (Exh, S, Pg 13) (Exh, K1.)

Wherefore, this matter hold me to inherit grave concerns regarding my Constitutional rights, due to the reason that in fact, is because of this erroneous preceding, with respect to this inadequate filing by the Supreme Court Clerk, does in affect deprives me of 14th amendment pursuant to equal protection pursuant to Artical 1 3 3

in matter of equally perservation of the record thus
to rightfully exercise any future remedies, in regards
to my case

sworn to and subscribe before
me This 24th day of May
2012 Susan H. Frye

s/w Samuel Whitner
Samuel Lamont Whitner # 263066
B.R.C.I Congaree 244
4460 Broad River Road
Columbia SC 29210

My Commission Expires
March 5 2018

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Greenville County
Hon John C. Few circuit Court Judge

THE STATE

Respondent

v

SAMUEL L. WHITNER

Appellant

CERTIFICATE OF SERVICE

The appellant hereby certify that I have forward a letter titled RE Inadequate Filing by the Supreme Court clerk addressed to Rosalyn W. Frierson of S.C court of administration 1015 sumter street suite 200 Columbia SC 29201 and hereby forward a copy addressed to Hon Daniel E Shearouse clerk of the Supreme Court addressed to Post Office Box 11330 Columbia SC 29202

Samuel Lamont Whitner
Samuel Lamont Whitner 263066
B.R.C.I Congaree 244
4460 Broad River Road
Columbia S.C. 29210

Sworn to and subscribe
before me this 24th day of May,
2012. Susan H. Frye

My Commission Expires
March 5, 2018

(Exhibit A, 1)



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 29211 1589
Telephone (803) 734 1330
Facsimile (803) 734 1397

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

October 14, 2011

The Honorable Daniel E Shearouse
South Carolina Supreme Court
P O Box 11330
Columbia SC 29211

Re Oral Argument in State v Samuel Whitner on Tuesday, October 18,
2011 at 9,30 a m

Dear Mr Shearouse

I am writing to inform the Court that Acting Chief Public Defender and trial counsel Christopher Scalzo will be arguing the case-in-chief for appellant on Tuesday, October 18, 2011 I will be handling the reply argument I have notified opposing counsel, William Blitch, of this arrangement by leaving a telephone message with him I would appreciate you notifying the Court of this arrangement prior to Tuesday morning

I understand Mr Whitner has written a "complaint" to this Court about Chris Scalzo and me, William Blitch, the Assistant Solicitor Christy Sustakovitch, and the court reporter After reviewing these documents I do not find a motion to relieve us as counsel, and we will continue to do a good job for Mr Whitner My only regret is that after many telephone conversations with Mr Whitner he simply does not comprehend criminal procedure Further, I cannot help but wonder how much of this is "writ writer" produced Regardless, we will continue in our duty as attorneys to advocate zealously for Mr Whitner which is made much easier by our belief in the substantial merits of his case Should you have any questions or concerns, please do not hesitate to contact me

Sincerely,

Robert M Dudek
Chief Appellate Defender

RMD cms
cc William M Blitch, Jr , Esquire
Samuel L Whitner

The Supreme Court of South Carolina

The State,

Respondent

v

Samuel Whitner,

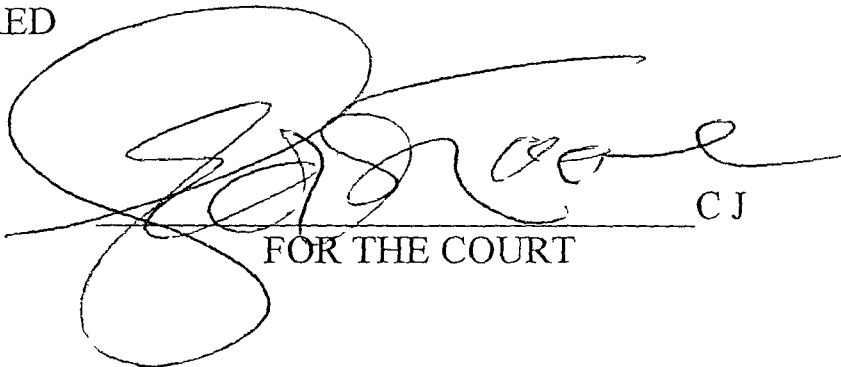
Appellant

The Honorable John C Few
Greenville County
Trial Court Case No 2009-GS-23-01072

ORDER

Appellant has filed a document dated October 12, 2011 To the extent that this document may be seeking to have his counsel relieved in this matter or any other relief in this case, the motion is denied

IT IS SO ORDERED



CJ
FOR THE COURT

Columbia, South Carolina

October 18, 2011

cc Chief Appellate Defender Robert M Dudek
Christopher D Scalzo, Esquire
Assistant Attorney General William M Blich, Jr

Mr Samuel L Whitner, #263066
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

(Exhibit, B)

Appeal from Greenville County
Honorable John C Few Cir Court
Judge

SAMUEL L WHITNER

APPELLANT

V

THE STATE

RESPONDENT

MOTION TO OBJECT PURSUANT
TO RULE, 12 (a), h (3)
S.C.R.P.

(I)

The Appellant hereby move to object to the order of denial of the motion to relieve Counsel, which was rendered by the Supreme Court on the 18th day of October, 2011, (Exhibit K) This opposition, is hereby moved by the Appellant on grounds that Appellant had "never submit" a motion to relieve Counsel within the Supreme Court on the 12th day of October 2011 (Exhibit, S) However in viewing the reference of the document that is dated October, 12 2011, within the order, this document was "misconstrued" by this Honorable Court as a motion to relieve Counsel By the facts that are stated within this motion, supra, Compelled the Appellant to respectfully prefer for

the record regarding the document dated, October 12, 2011, which is stated within the order of denial of the motion to relieve Counsel. (Exhibit, K.)

As stated within the October, 18, 2011 Supreme Court order of denial "[A]ppellant has filed a document dated October 12, 2011 To the extent that this document may be seeking to have his counsel relieved in this matter or any other relief in this case, the motion is denie[d]" (Exhibit, K)

It is "clear on the face" of the document dated October 12, 2011, that which is elicited within the order of denial of the motion to relieve Counsel (Exhibit, S) (Exhibit, K) which establishes that this document dated October 12, 2011 was thereby moved into the Supreme Court, thus filed by the Appellant as a Complaint, pursuant to 413 Rule 1, Rule 2, (S) (aa), on the 12th day of October, 2011, (Exhibit, S.)

The purpose of this complaint was not for means for a motion to relieve Counsel, (Exhibit, S)

II

This Complaint was moved within the Supreme Court only for means of admonishment to the Supreme Court of the

misconduct of the agents whom are involved in the Appellant's case. The misconduct implemented by these agents involves crimes that are prohibited by common law and generally; this complaint serves to bring to the Supreme Court attention of the agents unlawful means to "obtain jurisdiction" of lower court, as well as the Supreme Court, (Exhibit, S.) The Fourteenth Amendment, forbids the state, as well as any "agent," to infringe on fundamental liberty interests, "no matter of the process provided" The infringement administered by these agents educe within the Complaint was narrowly tailored to serve a compelling interest SEE Glucksberg 117 S Ct at 2268 quoting Reno v Flores, 507 U S 292 113 S Ct 1439 123 LEd 2d 1 (1993) Henderson v. Chapel Hill Larroboia City of Ed 89 F3d 174 177 (4th cir 1996) Cert denied 117 S Ct 949 (1997).

This October 12, 2011, complaint emphasizes the violation of the Appellant's rights. The standards of substantive due process, which is a constitutional guarantee, that a citizen shall not be arbitrarily deprived of his life, liberty, or property. The purpose of the Appellant submitting this complaint pursuant to 413 serves to respectfully admonish the Supreme Court, (Exh, S, Page, 18 _____). of previous miscarriage of justice in which derives from misconduct administered by the agents involed in this case, (Exhibit, S _____)

and therefore admonishing this Honorable Court in advance that these agents were thereby set forth to represent this case before the Supreme Court, on the 18th day of October 2011 on Oral Argument, (Exh, K 1-1).

III.

Based on the grounds stated for objection to the October 18 2011 Supreme Court order of denial of the motion to relieve Counsel (Exh K 1) the Appellant respectfully pray that this Honorable Court grant this motion, pursuant to Rule 12 (f) S.C.R.C.P., to strike from the record the presence of a motion to relieve Counsel on the grounds that.

(1) The Appellant did not submit a motion to relieve Counsel to this Honorable Court on the 12th day of October 2011, (Exh, K.), (Exh K-1).

(2) This Honorable Court misconstrued the October 12th 2011 Complaint which is in pursuant to 413 Rule 1 and Rule 2 (5) (aa) SCACR as a motion to relieve Counsel upon rendering its order, (Exh, K), (Exh, S).

Wherefore, by the above ground stated in this motion supra. The Appellant hereby object to the October 18th 2011, order of denial of the motion to relieve Counsel pursuant to Rule 12, (a), (b)(3) S.C.R.C.P on the ground that the Appellant had not submit a motion to relieve Counsel on the 12th day of October, 2011 That which is verified .. by the Appellant counsel for the Appellant, (Exhibit K-1).

S/W Samuel Lamont Whitner
Samuel Lamont Whitner # 262066
BRCI Congaree 244
4460 Broad River Road
Columbia S.C 29210
October 31, 2011

Sworn to and Subscribed by me
This 31st day of October 2011
Susan A Frye (L.S)
Notary Public for South Carolina

My Commission Expires
March 15, 2012

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

(Exhibit B)

Appeal from Greenville County
Hon John C Few Cir Court Judge

SAMULL L WHITNER

Appellant

V

THE STATE

Respondent

CERTIFICATE OF SERVICE

The Appellant hereby Certify that a Motion to object
pursuant to Rule 12 (a) 1(3). S.C.R.C.P. has been
submitted on the 31st day of October 2011 into
the Supreme Court and hereby is depositing a copy
of it in the US Mail address to Honorable Daniel E
Shearouse Clerk of the Supreme Court Post Office Box
11330 Columbia SC 29202 and Certify that the below
listed parties have been served with copy of the same

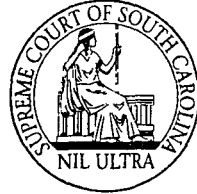
ATTORNEY GENERAL' ALAN WILSON
Office of Attorney General
Post Office Box 11549
Columbia SC 29211

S/W Samuel Lamont Whitner

SAMUEL LAMONT WHITNER
B.R.C.I Congaree 244
4460 Broad River Rd
Columbia SC 29210

Robert M Dudek
Chief Appellate Defender
Division of Appellate Defence
1330 Lady street suite 401
Columbia SC 29201-3332

Sworn to and subscribed before me
This 31st day of October 2011
Lawson N Frye (L.S.)
Notary Public for South Carolina
My Comm. Expires 12/31/12
2018



The Supreme Court of South Carolina

DANIEL E SHEAROUSE
CLERK OF COURT

BRENDA F SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA SOUTH CAROLINA 29211

(803) 734 1080

FAX (803) 734 1499

November 7, 2011

Mr Samuel Lamont Whitner, # 263066
Broad River Road Correctional Institution
4460 Broad River Road
Columbia, SC 29210

Re The State v Whitner, Samuel

Dear Mr Whitner

This responds to your objection to the Court's order of October 18, 2011. Since this order did not have the effect of dismissing or finally deciding this appeal, this Court will not entertain any petition for rehearing regarding that order. Rule 240(i), SCACR. Therefore, no action will be taken on your objection.

Further, since you are represented by counsel in this matter, the only motion that you are allowed to make in this case is a motion to relieve counsel. Any other filing that you wish to make in this matter must be made by your counsel. Miller v State, 388 S C 347, 697 S E 2d 527 (2010), Jones v State, 348 S C 13, 558 S E 2d 517 (2002), State v Stuckey, 333 S C 56, 508 S E 2d 564 (1998), Foster v State, 298 S C 306, 379 S E 2d 907 (1989). Since you now admit that your filing dated October 12, 2011, was not a motion to relieve your counsel, no further action will be taken on that document by this Court. To the extent that document was intended as a complaint under Rule 413, SCACR, a copy of the document has been forwarded to the Office of Disciplinary Counsel.

Very truly yours,

CLERK

cc Chief Appellate Defender Robert M. Dudek
Assistant Attorney General William M. Blich, Jr.
Christopher D. Scalzo, Esquire

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

(Exhibit S)

Appeal from Greenville County
Hon John C Few Circuit Court Judge

THE STATE,

RESPONDENT,

V

SAMULL L. WHITNER,

APPELLANT,

Formal Complaint Pursuant to
413 rule 1, rule 2 (b) (aa)
SCACR

The Appellant Respectfully submits a formal Complaint in regards to misconduct, "implemented" by Appellants Counsel Esg Robert M Dudek, Esg Deputy Public Defender Christopher D. Scalzo, The state Assistant Attorney General William M Blitch Jr, as well as the states Assistant Solicitor Christy Kednocher Sustakovitch This misconduct administered by these officials, involves acts of intrinsic fraud upon foreery, which is setforth as prohibitions pursuant to 44-63-161 (2) SC code ann as well as 16-17-410; that which this complaint predominantly establishes that the officials "conspired" and obtained illegal jurisdiction of the Court of Appeals on the 2nd day of July, 2009. Prior to this misconduct "abolishes", subject matter jurisdiction of the supreme court over Case No, The State v Samuel, whitner 2009 GS-23-01072) Anderson v Anderson 299 SC 110 115 382 SE 2d 897. 900 (1989)

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

(Exhibit 5)

Appeal from Greenville County
Hon John C Lew Circuit Court Judge

THE STATE

RESPONDENT

V.

SAMUEL L WHITNER

APPELLANT

CERTIFICATE OF SERVICE

The Appellant hereby certify that a formal complaint pursuant to 413 rule 1 rule 2 (S), (a) SCACR has been submitted on the 12th day of October 2011 into the Supreme Court and hereby is depositing a copy of it in the U.S Mail address to Honorable Daniel E Shearnuse: Clerk of the Supreme Court Post Office Box 11330 Columbia S.C. 29202 and certify that the below listed parties have served with copies of the same

Robert M Dudek
Chief Appellate Defender
Division of Appellate Defense
1330 Lady street, Suite 401
Columbia SC 29201-3332

Attorney General ALAN WILSON
Office of Attorney General
Post Office Box 11519
Columbia, SC 29211

Greenville County Public Defender
Christopher D Scalzo
305 E North Street Suite 123
Greenville SC 29601

Christy Kednocker Sustakovitch
Assistant Solicitor
Thirteenth Judicial Circuit
305 East North Street Suite 325
Greenville SC 29601

Sworn to and subscribed before me

This 12th day of October 2011

Susan H Frye (L S I)

Notary Public for South Carolina

My Commission Expires
March 5 2018

s/w Samuel Lamont Whitner

Samuel Lamont Whitner 26306

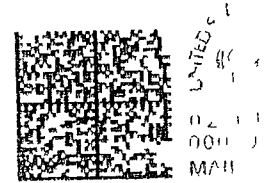
BR LI Congaree 244

4460 Broad River Road

Columbia SC 29210

Samuel Lamont Whitner 263066

B.R.C.I. Conaaree 244
4460 Broad River Road
Columbia S.C. 29210



Hon Daniel E Shearow SC
Post office Box 11330
Columbia SC 29202

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MAY 2 1992

BRCI
MAILROOM

TEGAI MAIL

Pending Initiation Steps

- **STEP 1 Add LCT Information**

Case Information 2010-174366

Court	Supreme Court	Classification	Orig Jur and Writs Extraordinary Writ Other
Short Title	Dogan Eddie D v State	Case Status	Ended
Case Owner	MHAMMOND	Related	
Consolidated		Linked	
Case Notes		Non Public Case	

Filed Date	10/01/2010	Oral Argument Date	
Disposition Date		Disposition Type	
Remittitur Date		Justices	
Lower Court or Tribunal		Assigned Justice	
		Disqualifications	

[Edit Case](#)

+ Party Information **Party Details**

Views

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Event Information

Filed Date	Event Information	Amended	Doc
04/26/2012	Legacy Documents Internal Documents		INT
04/26/2012	Legacy Documents Record on Appeal		INT
04/26/2012	Legacy Documents Case File		INT
04/26/2012	Legacy Documents Briefs		INT
04/26/2012	Legacy Documents Appendix		INT
06/13/2011	Memorandum Miscellaneous		INT
11/29/2010	Case Status Changed (Legacy) Case Status Changed (Legacy)		INT
11/17/2010	Order Issued (Legacy) Miscellaneous (Legacy)		INT
11/17/2010	Correspondence Pen Letter (Legacy)		INT
10/13/2010	Staff Attorneys Sent to Staff Attorneys		INT
10/01/2010	Motion Received (Legacy)		INT