

David Dwight Smith, SCDC#245760  
Allendale Correctional Institution  
P.O. Box 1151, Hwy 47  
Fairfax, SC 29827-1151

**RECEIVED**

MAY 09 2016

**S.C. SUPREME COURT**

May 3, 2016

The Honorable Daniel E. Shearouse  
Clerk of Court, South Carolina Supreme Court  
Post Office Box 11330  
Columbia, SC 29211-1330

RE: David Dwight Smith v. State of South Carolina, 2011-CP-42-1283

Dear Honorable Shearouse,

Please find enclosed a copy of a letter that was mailed to Mr. Robert M. Dudek, Chief Appellate Defender; explaining my concern and reasons in my opinion are a conflict and I should not be represented by that agency. Please note there are issues that were raised and preserved for review regarding Appellate representation by South Carolina Appellate Defense. Thank you in advance for your anticipated cooperation & assistance in this matter.

Sincerely,

  
/s/ David Dwight Smith, SCDC3245760

cc: file

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**S.C. SUPREME COURT**

May 3, 2016

Mr. Robert M. Dudek  
Chief Appellate Defender  
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
The Keenan Bldg., Fourth Floor  
1330 Lady Street  
Columbia, SC 29201


RE: David Dwight Smith v. State of South Carolina; 2011-CP-42-1283

Dear Mr. Dudek,

I am writing you because I don't want to be represented by your office due to my claims of ineffective assistance of Appellate Counsel. I believe Appellate Defense has a conflict of interest in representing me. After my Direct Appeal was won by Mr. Joseph Savitz the South Carolina Supreme Court granted Certiorari to the State. Mr. Joseph Savitz represented me and retired before the South Carolina Supreme Court reversed the decision of the South Carolina Appeals Court's decision in my favor. When I attempted to Appeal that decision, the South Carolina Supreme Court's Clerk, Mr. Daniel E. Shearouse refused to allow me that right because as he informed me, I was still represented by counsel or Appellate Defense. When I contacted Appellate Defense and briefly spoke with you, I was informed your office no longer represented me. Your office ignored my want and right to Appeal. I was sent a PCR application and advised of the one (1) year to file. I do not believe it would be in my best interest for Appellate Defense to represent me. Please consider my

claims of ineffective assistance of Appellate Counsel as well as my rights. Also consider the close working relationship you have had with the former Chief Appellate Defender Mr. Joseph Savitz who for decades was the Chief, as well as the lawyers in your agency that now work under you. I am requesting that you and your agency not be able to represent me. Thank you in advance for your anticipated cooperation & assistance in this matter.

Sincerely,

/s/   
David Dwight Smith, SCDC#243760

cc: file  
The Honorable Daniel E. Shearouse

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-LEGAL MAIL-

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Clerk Of Court  
South Carolina Supreme Court  
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Columbia, South Carolina 29211-1330

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