

Randolph Ashford # 256638
B.R.C.I. MLT - 2035
4430 Broad River Rd.
Columbia, South Carolina - 29210

June 17, 2016

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

RECEIVED

JUN 23 2016

Re: Appellant Case No. Randolph Ashford V. State, C. SUPREME COURT
Case No. 2015-002509

Dear Mr. Shearouse:

In response to a copy of Attorney Wanda H. Carter:
letter to you dated June 10, 2016.

Ms. Carter: clearly would not have my best interest
at heart in this appeal of the current (PCR) dismissal pending
in your court. Even now she fail to properly bring forth a complete
record of the allegations I allege in the ineffectiveness
of the direct appeal of 2009-2012.

In section (b) of the (PCR) application. Ms. Carter:
allege only (2) two of the claims I file in the court in my
PCR application, when its (3) issues I raise without a amend-
ment to the application. See: Attachment to page - (3) (a) (b)
(c) of the PCR application.

b. Appellant counsel fail to make a sufficient record for review
on appeal.

Admittedly, Ms. Carter; ineffectiveness still exist, but
I again request counsel be relieved of any further representation

and the agency's colleagues, and out-side counsel be appointed to represent me with the case (s) presently/future but out of an abundance of caution, I patiently await the court decision.

Thank you Kindly,

Sincerely,

A handwritten signature in cursive script that reads "Randolph Ashford".

Randolph Ashford # 256638

CC: Daniel E. Shearouse

CC: Wanda H. Carter

CC: Jessica Kinard, 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 29211-1589
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

June 10, 2016

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

Re: Randolph Ashford v. State of South Carolina
Appellate Case No. 2015-002509

Dear Mr. Shearouse:

Please accept this letter in lieu of a return to Mr. Randolph Ashford's pro se motion for the appointment of outside PCR appellate counsel based on his allegation that a conflict of interest exists in the above titled PCR appeal. Presently, I am Mr. Ashford's PCR appellate attorney. Mr. Ashford is seeking my removal from the case as appellate counsel in his PCR appeal in effect because I represented him ineffectively on direct appeal and because he filed a grievance against me during that time.

My representation of Mr. Ashford on direct appeal from 2009-2012 (during which time an Anders brief was filed and the appeal was ultimately dismissed), coupled with the fact that Mr. Ashford filed a grievance against me during the pendency of the direct appeal, which was later ruled upon by the Disciplinary Counsel, would not necessarily appear to constitute a conflict of interest in the PCR appeal requiring the appointment of outside PCR appellate counsel in the case; but out of an abundance of caution, I would obviously defer to this Court's discretion in assessing the matter in order to avoid taking a position adverse to Mr. Ashford's position.

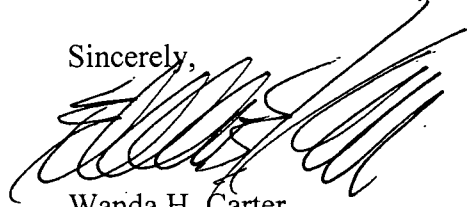
Admittedly, Mr. Ashford raised two allegations of ineffective assistance of appellate counsel against me in this PCR action.¹ However, since the allegations of ineffective assistance of appellate counsel were neither addressed by me via testimony at the PCR hearing nor specifically ruled upon

¹ "Appellate counsel fail (sic) to present the solicitor withheld evidence that the defendant requested," and "appellate counsel fail (sic) to obtain the defendant'[s] Rule 5 motion of discovery from trial counsel and/or the 911 tape before filing a record to the appeal court."

by the PCR judge in the PCR Order of Dismissal, then it appears that I am relieved of the task of judging my own legal performance on direct appeal,² and that a conflict of interest may not exist in this PCR appeal; but again, in order to avoid the appearance of impropriety, I take no position regarding the request for the appointment of outside PCR appellate counsel and await the decision of this Court's ruling on the motion.

I am available should any questions arise regarding this letter.

Sincerely,



Wanda H. Carter
Deputy Chief Appellate Defender

WHC/smf

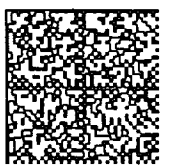
cc: Jessica Kinard, Esquire

Randolph Ashford #256638

² See generally, Foster v. State, 298 S.C. 306, 379 S.E.2d 907 (1989); Poston v. State, 303 S.C. 167, 399 S.E.2d 592 (1989). Compare Carter v. State, 293 S.C. 528, 362 S.E.2d 20 (1987).

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JUN 21 2016 Daniel E. Shearouse
Clerk of Court

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P.O. Box 11330

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Columbia, South Carolina 29211

LEGAL MAIL