

THE STATE OF SOUTH CAROLINA COURT of APPEALS

**RECEIVED**

JUL 20 2016

C/A: 2014-002532

SC Court of Appeals

Anthony Derone Richardson, ..... Appellant,

v.

Jackie Swindler chief of Police

Newberry County Municipal Police..... Respondent.

**THE RIGHT TO APPOINTED COUNSEL FOR INDIGENT CIVIL LITIGANTS:**


**THE DEMANDS OF DUE PROCESS**

The Appellant move the court and ask the court to appoint this coverage THE RIGHT TO APPOINTED COUNSEL FOR INDIGENT CIVIL LITIGANTS: THE DEMANDS OF DUE PROCESS is effective as a form by the Pro Bono Program. I cannot afford attorney and I am indigent. Clients are not considered indigent unless they meet the income guidelines for the Pro Bono Program or court appointment. The Appellant asks the court to appoint civil attorney to represent client in civil case guidelines for the Pro Bono Program or court appointment. Appellant as the court to appoint attorney to represent me in this case because I am not attorney and I understnd the court holds me to a high standard but I refuse to go farther with this case as a Pr. Se. Appellant ask this court to appoint attorney under parte lawyers to represent indigent persons in civil matters. The appellant meet the indigent guideline to represented in this case.If so, what are ... parte Dibble, 310 S.E.2d 440, 442 (S.C. Ct. App. 1983) ("Courts have the inherent power to do .... power to appoint unwilling counsel in civil cases without compensation. The .... situation of justice, for which purpose they were created, and in the light

of. The United States Supreme Court has held that the right to effective assistance of counsel, guaranteed by the sixth amendment and incorporated by the fourteenth amendment, requires states to provide counsel to indigent criminal defendants before imprisoning them.<sup>1</sup> In *Gideon v. Wainwright*,<sup>2</sup> the Court overturned *Betts v. Brady*,<sup>3</sup> which held that, in some cases, due process might not require appointed counsel for indigent criminal defendants. The decision rested on the important liberty interest each person has in his own physical liberty, due process, and fundamental fairness. Protecting these interests requires that the accused have counsel before the state deprives him of his liberty. In subsequent decisions involving juvenile proceedings,<sup>4</sup> parole revocation,<sup>5</sup> and the termination of parental rights," the Court indicated that the right to appointed counsel could, in certain circumstances, extend to civil proceedings. In such cases, the right to appointed counsel is grounded not in the sixth amendment, but in the due process clause of the fourteenth amendment.<sup>7</sup> With civil proceedings, however, the Court did not adopt the per se approach that it employed in criminal cases. Instead, the Court held that the decision whether due process requires the appointment of counsel in civil actions must be a case-by-case determine

The Dibble court found that the authority to appoint a lawyer in civil cases resides within its own inherent power: "Courts have the inherent power to do all things reasonable necessary to insure that just results are reached to the fullest extent possible. Accordingly, we hold that this power must necessarily include the power to appoint lawyers to serve without compensation where it appears reasonable necessary for the courts to do justice." *Id.* at 595, *Id.* at 597, 310 S.E.2d at 443. Other considerations that should be taken into account, include: whether there is any public agency that is in a position to provide representation (e.g., legal aid or public defender's office); whether there are private lawyers or organizations willing to take the case as a pro bono matter; and whether there are lawyers who are already on the public payroll. *Id.* The court clarified that this analysis is unnecessary if an attorney appointment is mandated by statute, and that the case at hand was not about whether an individual has a statutory or constitutional right to a free lawyer. *Id.* at 595, 310 S.E.2d at 442 ("Indeed, it appears without question he has none."). Instead, the court focused on whether and under what circumstances a lawyer may be appointed pursuant the court's inherent authority to represent an indigent party. The court then remanded the instant case back to the trial court to weigh all of these factors. for a district judge to **appoint** counsel for **indigents in civil cases** comes from 28 .... The Model Rules **were** drafted by the American Bar Association Com- ..... work is to **appoint the attorney** to **represent a client** appearing in the court. .... See *Ex parte Dibble*, 279 S.C. 592, 310 S.E.2d 440 (Ct. App. 1983) (court.

Appellant ask and pray this court to appoint attorney in this case represent client in civil case guidelines for the Pro Bono Program or court appointment.

 .....date..... 7-17-2016

**RECEIVED**


JUL 20 2016

SC Court of Appeals

CERTIFICATE OF SERVICE

The Pro Se Anthony Derone Richardson for the Appellant does hereby certify that service of the **THE RIGHT TO APPOINTED COUNSEL FOR INDIGENT CIVIL LITIGANTS: THE DEMANDS OF DUE PROCESS** by placing in the United States mail at the below address clearly on the 17th of July, 2016 address as follows:

Anthony Derone  
Richardson Pro. Se  
P.O. Box 221  
Newberry, SC 29108  
Appellant

 .....Date..... 7-17-16

Morrison Law Firm  
David L. Morrison, Esquire  
Kassi B. Sandifer, Esquire  
Robert G. Cooper, Esquire  
7453 Irmo, Drive Suite B  
Columbia, SC, 29212  
(803) 661-6285

Attorney for Respondent

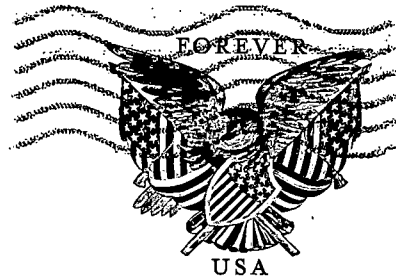
Anthony Richardson

P.O. Box 221

NBY, S.C. 29108

COLLIMBIA SC 290

18 JUL 2016 PM 4 L



South Carolina Court of Appeals RECEIVED

P.O. Box 11629

JUL 20 2016

SC Court of Appeals

COLA.S.C. 29211

29211-162929

