

**ORIGINAL**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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**SEP 12 2016**

Certiorari to Richland County  
Court of Common Pleas  
The Honorable Brooks P. Goldsmith, Circuit Court Judge

**S.C. SUPREME COURT**

Appellate Case No. 2015 – 001289  
Lower Court Case No. 2013-CP-40-00233

MELINDA RICHMOND, #331874,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

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**SUPPLEMENTAL APPENDIX**

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ATTORNEYS FOR RESPONDENT

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ATTORNEYS FOR RESPONDENT

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State of South Carolina  
IN The Court of Appeals

Appeal from Richland County  
Edward W. Miller, Circuit Court Judge

The State                      Respondent

v.

Melinda Richmond              Appellant

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JUL 20 2011

SC Court of Appeals

PRO SE BRIEF

I was denied my right to counsel and confrontation under the Fifth, Sixth, and Fourteenth Amendments. I was denied Due Process based on lack of access to the courts under the Fifth and Fourteenth Amendments.

I was denied my right to a complete appellate record. I was denied my right to present a complete defense, and I was denied equal protection under the Fifth, Sixth, and Fourteenth Amendments. The week before my trial my attorney was ill and could not meet with me.

My trial began on November 10, 2008. I had two other attorneys that had been assigned to my case but I had met one a week before the trial started and the other on the day the trial began. On the second day of my trial my attorney lost her voice and was very ill. On the third day of the trial my attorney ask for a mistrial or continuance due to loss of voice and illness and to go see a doctor. The solicitor objected because the trial had already begun and it would inconvenience victim's family. Co-counsel for my defense said they were neither prepared or able to effectively represent me. The judge denied our motion. My attorney became even more ill and had to leave me in court for about two hours to go to the doctor.

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SC Court of Appeals

She returned with a doctor's note saying she had laryngitis due to acute sinusitis. She was prescribed antibiotics, steroids, and two days voice rest. Again we moved for a mistrial or continuance and again was denied. My attorney continued to try and represent me with no voice and on medication. It was near impossible to hear her. Everyone continued to ask her to repeat herself. Including the Court Reporter. They put her on a microphone that continuously screeched through the court room. She seemed very lethargic and in slow motion. I had asked for a plea of self defense and I'm not sure what happened with that. We asked that the statements I made be kept out due to coercion and the tactics used to get the statements. The judge denied the motion. We asked that the 911 tape be excluded. It was misleading. The solicitor said it was a dying declaration although the victim did not die until several hours later due to internal bleeding because of operation to spleen. My co-defendant was the state's key witness against me and through her testimony you could tell she was not only dishonest but very hostile toward me partly in due to police conduct and the solicitors influence. When the

solicitor made her closing statement she not only mischaracterized the evidence she also confused the jury by giving her own charge on the law. The jury ask to have it explained to them again. My attorney filed a motion for a new trial on November 24, 2008 which was also denied. When I last spoke to the attorney for my appeal she stated she was not aware of this fact. Included with this motion is six affidavits from people who were present in the court room and witnessed what happened. The bailiff sitting in the jury box, Mr. Coward, told my attorney although he could hear her he could not make out what was being said due to deficiencies in her voice. Everyone repeatedly asked attorney to repeat herself, move closer to the microphone, turn in a different direction. Including the Clerk of Court, several witnesses, the Court Reporter. In the motion for a new trial Counsel states that denial of motions infringed on Counsel's ability to demonstrate prejudice. She states that the transcript of these proceedings cannot begin to tell the story of how deficient counsel's performance was as a result of the loss of her voice. That no client should spend what will likely be the rest of her natural life

IN PRISON where she was represented by a lawyer with no voice. My attorney requested we be allowed to record court proceedings to make an accurate record of it and this too was denied. I ask that you please review the motion for a new trial and the affidavits included with it as well as the court transcripts. There were several witness on my behalf that were not even called to testify. I don't understand how they could consider this to be justice. Thank you for your time and consideration.

Sincerely  
Melinda Richmond

Indictment number: 2007 - G540 - 04073