

September 12, 2016

Ricahrd Alvin Sims, #273381  
Allendale C.I.  
P.O.Box 1151  
Fairfax, SC 29827

RECEIVED  
SEP 16 2016  
SC Court of Appeals

The Honorable Rosalyn W. Frierson  
Director, South Carolina Court Administration  
1015 Sumter Street, Suit 200  
Columbia, South Carolina 29201

RE: The State v. Richard Sims  
Appellate Case No. 2016-001568

Dear Ms. Frierson:

I trust this letter finds you doing well. I'm just writing to inquire about an transcript, do to my indigent status, I was not able to Order a transcript. I've sent the South Carolina Supreme Court a copy of my indigent status, that the Supreme Court transfer my case to the Court of Appeals. I respectfully requests for a thirty (30) days extension. I was denied my rights to Counsel in a criminal matter in the Court of General Sessions in Newberry Court, Clerk of Court. Also, my case should have been sent to South Carolina Office of Appellate Defense.

As of this day, I've not Order a transcript from the Court Report.

Thank you for your assistant in this matter.

Sincerely

*Richard Alvin Sims #273381*

Richard Alvin Sims, #273381

cc: Jenny Abbott Kitchings, Clerk  
*Wanda Carter* Chief Appellate Defender

September 12, 2016

Richard Alvin Sims, #273381  
Allendale C.I.  
P.O.Box 1151  
Fairfax, SC 29827

Wanda Carter, Chief Appellate Defender  
South Carolina Office of Appellate Defense  
1205 Pendleton Street, Room 306  
Columbia, S.C. 29201

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SEP 16 2016  
SC Court of Appeals

RE: The State v. Richard Sims  
Appellate Case No. 2016-001568

Dear Ms. Carter:

I hope this letter finds you doing well. I'm writing just to inquire about some legal assistant from your office. My case is pending in the Court of Appeals and my case was transfer from the South Carolina Supreme Court, the Courts should have forward a copy of my case to your Office. Here, Newberry County, Courts denied me right to Counsel in a Criminal matter. As set forth, Appointment of Counsel is authorized in Rule 71.1 (d) and 71.1 (g), SCRPC.

In addition, let me give you a insight of the issue before the Court of Appeals. However, here, evidence will establish that State unlawfully impaneled its grand jury out side the Statute 14-5-730 (4), in the Court of General Sessions. Here, the Solicitor indicted me in April Term of Court, which there is no Term of Court for April in the Court of General Sessions. The plain and unambiguous language of § 14-5-730 (4):

- The Court of Eighth Judicial Circuit shall be held as hereinafter;
- The Court of General Sessions for Newberry County shall be held at Newberry County on the Third Monday in February, in the Third Monday in May, the Third Monday in September and the forth Monday in November in each case for one week.

If Legislature intended statute to apply to April Term of Court, it could have done so by including such language.

So obviously the Solicitor impaneled its grand jury in the Court of Common Pleas. Second part of this Statute, obviously very clear the Month of April is in the Court of Common Pleas. Here, the Court of Common Pleas is vested with NO authority to take any action on matters pertaining to return of true-bill criminal indictments. "The Court is made up of the Court of Common Pleas which hears civil actions and the Court of General Sessions which hears criminal cases..." Dove v. Gold Kist Inc., 314 SC 235, 442 SE 2d 598,600 (SC 1994); see also SC Constitution Article V § 1.

Thus, there is no grant of concurrent jurisdiction, and therefore NO true bill criminal indictment can be lawfully issued through grand jury proceedings held before a Court of Common Pleas.

Under the plain language of the second part of § 14-5-730 (2):

- The Court of Common Pleas for the County shall be held at Newberry on the Fourth Monday in January, the Fourth Monday in April, the Third Monday in June, the Third Monday in October in each case for one week.

So obviously, the Solicitor held a criminal matter in the Court of Common Pleas.

In the case at hand the indictment reads as follows:

- At a Court of General Sessions convened on the 9th day of April 2001 the Grand Jurors of Newberry County present upon their oath:

The Solicitor knew there was no Court of General Sessions at the time the indictment was to be handed down. Here, The Solicitor still presented knowingly properly. The Solicitor commits perjury by bring false testimony to the Court, which is unethical.

It should be noted that the Code of Judicial Conduct Cannon 2 (A), states, "A judge shall respect and comply with the law, and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary". And Under Rule 77 (e), Cancelling or Ordering Term of Court. No term of court shall be cancelled nor additional terms scheduled without the prior approval of the Chief Justice. When the local bar requests that a week of common pleas court be not held, or the solicitor requests that a week of general sessions court be not held, the clerk shall immediately notify the Court Administrative of this State. I hope these has given a better insight of my case.

Thank you for your cooperation in this matter.

Sincerely,  
*Richard Alvin Sims #273381*  
Richard Alvin Sims #273381

September 12, 2016

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Allendale C.I.  
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Fairfax, SC 29827

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SEP 16 2016

SC Court of Appeals

The Honorable Jenny Abbott Kitchings,  
Clerk, South Carolina Court of Appeals  
P.O.Box 11629  
Columbia, SC 29211

RE: The State v. Ricard Sims  
Appellate Case No. 2016-001568

Dear Ms. Kichings:

I trust this letter finds you doing well. I'm just writing to inform you that the transcript has not been Order. As yet, because I can not afford to Order a transscript, because I am indigent. As a result, a poor person. An indigent criminal defendant is entitled to a free court-appointed lawyer. Here, Newberry County, Court denied me a court-appointed lawyer in this case. Enclose you will finds some documents, to show my good faith, in trying to get a transcript order.

Thank you for your cooperation in this matter

Sincerely,

*Richard Alvin Sims #273381*

Richard Alvin Sims, #273381

cc: Jenny Abbott Kitchings, Clerk

Wanda Carter, Chief Appellate Defender

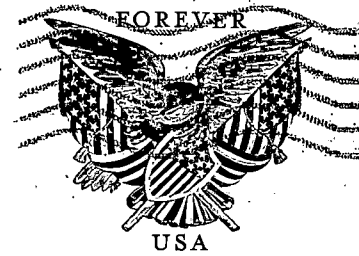
*Rosalyn W. Frierson, Director Court Administration*

Richard Alvin Sims, #273381  
Allendale C.I.  
P.O.Box 1151  
Fairfax, SC 29827

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Attn. Jenny Abbot Kitchings,  
Clerk, South Carolina Court of Appeal  
P.O.Box 11629  
Columbia, SC 29211

SEP 13 2016

DAVID LROCK  
AG

29211+1029

