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SEP 28 2016

SC Court of Appeals

Sept. 25, 2016

Willie Thomas Starnes  
# 287191

Lee Corr. Inst.  
990 Wisacky Hwy  
Boshipville, SC 29010

S.C. Court of Appeals  
Office of the Clerk  
P.O. Box 11629  
Columbia, SC 29211

Re: State v. Starnes Appeal No. 2014-2652

Dear Honorable Court:

This letter is written to the Court only after repeated efforts to communicate with my court appointed appellate attorneys. Chief Appellate Defender refused to answer my questions and co-counsel will not answer my letters period.

May I file a motion to relieve counsel at this time? I have repeatedly asked my attorneys why they didn't raise the issue about petit jury member sleeping 3x's during my trial. One time the bailiff woke juror up during jury charge. My case is exactly - if not worse - than State v. Hurd, 480 S.E.2d. 94 (SC 1996). The juror in Hurd, just like my case, was sleeping during the court's jury charge. The S.C. Court of Appeals reversed Hurd's case

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for the very same reasons my case should be reversed. Because: (1) juror was asleep during jury charge and (2) the court didn't recharge the jury or replace sleeping juror.

I have written both of my appellate attorneys raising this issue and they have not responded, much less explained why the sleeping juror issue was not presented to the Court of Appeals.

In any event, when I get into PCR Court and/or Federal District Court I do not want the record to reflect my failure to diligently attempt presentation of this issue on direct appeal. The trial court was made aware of sleeping juror; the appellate attorneys were made aware of sleeping juror and Hurd case; and now the State Court of Appeals has been made aware of the sleeping juror and Hurd case.

Thank you for your time and concern in this matter. Respectfully,

Willie 

cc: Retained ✓

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WILLIE THOMAS STARNES  
SCDC No. 2014-002652  
LEE CORR. INST. (F-5-145)  
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BISHOPVILLE, SC 29010

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