

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Pickens County

Honorable James R. Barber, Circuit Court Judge

RECEIVED

OCT 26 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

VINCENT MISSOURI,

APPELLANT

APPELLATE CASE NO. 2014-001176

MOTION TO SUPPLEMENT THE RECORD ON APPEAL

Counsel for Appellant Vincent Missouri moves this Court for an Order, pursuant to Rule 212(b), allowing appellant to file a Supplemental Record on Appeal. In support of this motion, appellant shows the following:

1. Appellant's case was originally assigned to another attorney within the Office of Appellate Defense. On March 23, 2015, prior counsel filed a brief with this Court pursuant to Anders v. California, 386 U.S. 738 (1967). On the same date, prior counsel filed the Record on Appeal.
2. The issue raised in prior counsel's Anders brief was the following:

Whether the trial judge erred by failing to direct a verdict of acquittal on the charge of strong armed robbery where there was no direct or circumstantial

evidence that Appellant coerced, intimidated, or threatened to harm Rachel White, the bank teller, when he entered the bank?

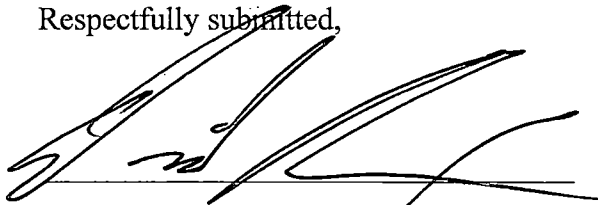
3. On April 28, 2015, appellant filed his *pro se* brief under the Anders procedure. Appellant raised the issue of whether he had been denied his Sixth Amendment right to represent himself.
4. Along with his *pro se* filing, appellant included materials from the Pickens County Clerk of Court's file in his case as exhibits.
5. On June 13, 2016, this Court denied prior counsel's motion to be relieved and directed the parties to brief the following issue: "Was Missouri denied his Sixth Amendment right to proceed *pro se*?"
6. On July 6, 2016, prior counsel filed a brief as directed by this Court.
7. On September 1, 2016, prior counsel left Appellate Defense for other employment.
8. On September 2, 2016, the State served its brief.
9. Appellant's case was then assigned to undersigned counsel.
10. In preparing and drafting appellant's reply brief, counsel reviewed the materials filed with appellant's *pro se* brief. Counsel conferred with the Pickens County Clerk of Court and has determined that documents do exist in the court's file that are relevant to this appeal. All of the documents proposed to be included in the Supplemental Record on Appeal were provided to counsel directly from the Pickens County Clerk of Court from its file in this case.
11. Because this case was originally filed as an Anders brief, the current briefing is filed as final briefing, not initial briefing, and counsel's interpretation of this Court's rules is that a motion is therefore required pursuant to Rule 212(b) to supplement the existing Record

on Appeal. If this were an initial reply brief, appellant could simply designate these materials as part of the Record on Appeal pursuant to Rule 209(a), SCACR.

12. Appellant should not be disadvantaged under the Rules of Appellate Procedure because an Anders brief was initially filed in his case.
13. Attached as "Exhibit A" is appellant's proposed Supplemental Record on Appeal. These materials are directly relevant to the issue ordered briefed by this Court: appellant's request to represent himself. Furthermore, as many of these documents were likely considered by this Court when it reviewed appellant's *pro se* filing and may have played a role in this Court's ordering briefing on the issue of self-representation, these materials should be made a part of the Record.
14. Because counsel intends to refer to the Supplemental Record on Appeal in his Reply Brief if this Court allows the Supplemental Record on Appeal to be filed, counsel asks that the deadline to file the Reply Brief of Appellant be held in abeyance pending the Court's resolution of this Motion.
15. Counsel has conferred with V. Henry Gunter, Jr., who represents the State, and he has advised that he consents to appellant's motion.

WHEREFORE, the undersigned counsel respectfully requests that the Court grant appellant's Motion to Supplement the Record on Appeal and hold the deadline to file the Reply Brief of Appellant in abeyance pending the Court's resolution of this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'DAVID ALEXANDER', is written over a horizontal line.

DAVID ALEXANDER
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

October 26, 2016

EXHIBIT A

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable James R. Barber, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

VINCENT MISSOURI,

APPELLANT

APPELLATE CASE NO. 2014-001176

SUPPLEMENTAL RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
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PO Box 11589
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(803) 734-1330

V. HENRY GUNTER, JR.
Assistant Attorney general
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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State of South Carolina
County of Pickens

13th Jud. Circuit
General Sessions Court

Vincent Missouri,
Defendant,

Case No. 2012A391060001; I-336638;
I-336639

vs.

State of South Carolina
Respondent.

Motion For Change of Venue

Comes now, the defendant Vincent Missouri, appearing in Pro-Se Capacity, under a more liberal standard as noted in Haines v. Kerner, 404 U.S. 519 (1972), to move this Honorable Court for a "Change of Venue", for reasons not limited to the very "racist remarks" made by the arresting law enforcement personnel, concerning how Pickens County used to "hang niggers for what the defendant is accused of".

In addition, because of the media attention surrounding this case and what's been leaked to the public, the defendant has no confidence that he could receive "a fair trial."

US

2012 JUN 26 P 2:22

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

Change of Venue

1 of 2

As described by the Fourteenth Amendment of Due Process, under South Carolina's Constitution; or under the Fifth and Sixth Amendment of the United States Constitution.

Wherefore, it is respectfully requested that a immediate pre-trial hearing be held to determine if a venue change would be in the best interest of this case. Especially to afford the accused a right "to a jury of ones peers".

Respectfully Submitted,
1st Vincent Missouri
Vincent Missouri
216 LEC Road
Pickens, S.C. 29671

cc: CLK of Ct
13th Sol. Office
Ct/25/2012

JUN 26 PM 2:22

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

Fast & Speedy

1 of 1

State of South Carolina
County of Pickens

13th Judicial Circuit
General Sessions Court

Vincent Missouri,
Defendant

vs.

Case No. 2012A391060001, I-336638,
I-336639

State of South Carolina
Respondent

CLERK OF COURT,
PICKENS COUNTY
SOUTH CAROLINA
JUN 26 2012

Motion For Fast & Speedy (Public) Trial

Comes Now, Vincent Missouri, to move this Honorable Court, for the Court of General Sessions. Under South Carolina Constitution Article I, Section §10, for a fast and speedy trial. That at the time of this motion filing, the defendant is unrepresented by counsel thus, the defendant is authorized to file these motions according to S.C. Law.

cc: CLK of Ct
13th Sol. office

6/25/2012

Respectfully Submitted,
1st Vincent Missouri
Vincent Missouri
216 LEC Road
Pickens, S.C. 29671

Discovery

1 of 1

State of South Carolina
County of Pickens

13th Jud. Circuit
General Sessions Court

Vincent Missouri,
Defendant,

vs.

Case No. I-336638; I-336639
2012A3910600001

State of South Carolina
Respondent.

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA
JUN 26 2012

Motion To Produce Any + All Discovery Material
Under Brady v. Maryland + Jencks U.S. 341 6 Amend

Comes Now, Vincent Missouri, to request all Brady material that will be used or intended to be used against him in the above cases. Not limited to video recordings and a opportunity to review such, all statement exculpatory or otherwise, and a fair opportunity to review without delay.

cc: CLK of Ct
13 SSI Office

6/25/2012

Respectfully Requested
1st Vincent Missouri
Vincent Missouri
216 LEC Road
Pickens, SC. 29621

Certificate of Service

I, Vincent Missouri, do hereby certify that I have mailed a copy of A (1) Motion to Change Venue; (2) Motion for Fast + Speedy Trial + (3) Motion for Discovery to the 13th Jud. Circuit Solicitor; postage First Class prepaid, by handing said stamped + enclosed items to the Pickens Jail officers on this 24 day of June, 2012

Vincent Missouri

216 LEC Road

Pickens, S.C. 29671

Pickens County Solicitor's Office

214 E. Main Street

Pickens, S.C. 29671

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

JUN 24 2012

6/24/2012

6/25/2012

Clerk of Court

214 E. Main Street

Pickens, S.C. 29671

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA
JUN 26 P 2:22

In re: Vincent Missouri v. State

Dear Clerk;

I am being held in the Pickens Jail charged with Bank Robbery. On June 22, 2012, I recieved A letter from the Pickens County Public Defender's Office, stating they would not be able to represent me. (Blessings come in all forms).

I however, will be representing myself, and could use some assistance in getting to a "law library" or A laptop computer with Nexis Lexis capabilities.

In addition, please file and forward a copy of these (3) motions included herein. Only because the jail could not assist me with copying them. In Conclusion, please forward me "A docketing sheet" to verify my motion have been filed on the active court docket.

I appreciate your time and attention in this matter and if you have any questions please contact me at the Pickens Jail.

P.S. "forward To Solicitor's office"

6/25/2012

Sincerely

Vincent Missouri

TELEPHONE (864) 898-5857
FAX (864) 898-5863
PWELBORN@CO.PICKENS.SC.US

Office of Clerk of Court

PICKENS COUNTY
Harold P. "Pat" Welborn, Jr.
P.O. BOX 215
PICKENS, SC 29671

CIVIL RECORDS (864) 898-5862
CRIMINAL RECORDS (864) 898-5864
FAMILY COURT (864) 898-5598

June 26, 2012

Vincent Missouri
216 L.E.C. Rd
Pickens, S.C. 29671

RE: Letter Dated: 6/25/2012

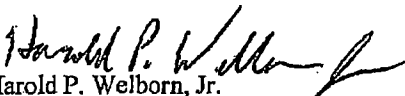
Dear Mr. Missouri,

I am in receipt of your letter/ motion dated: 6/25/2012

I will forward a copy of your letter/motion to the Solicitor's Office. I am returning clocked copies of your motions. I will place your letters in the courts file.

If I or my staff can be of further assistance, please contact us at the address above.

Sincerely,


Harold P. Welborn, Jr.
Pickens County
Clerk of Court

8-14-2013

Pickens County Clerk of Court
 214 E. Main Street
 Pickens, S.C. 29671

CLERK OF COURT
 PICKENS COUNTY
 SOUTH CAROLINA

2013 AUG 20 PM 9 59

In re: State v. Vincent Missouri

Dear Clerk;

Enclosed, please find a copy of the letter that I personally drafted involving a local prohibition that alleges the South Carolina Supreme Court stands behind relating to inmate filings. Because such a restriction interferes with "[my]" Sixth Amendment rights as an accused to be able to also defend himself. I had no alternative than to begin exhausting state remedies in order to receive Constitutional review of such a local rule.

Moreover, South Carolina Constitution itself, at Article I, Section 814 with its jury trial guarantees extends the right of the accused to "be fully heard in his defense by himself, by counsel or by both". Thus, to permit such a local rule to succeed would be to undermine and render the language of the state's constitution mere verbalisms.

In the abstract however, I did forward Mr. Aaron Angell a motion to dismiss the unreasonably delayed warrant dated 6-17-2013, for Flagrant Due Process and Equal Protection violations. And again, I respectfully "again" request a active docketing sheet of my case file in Pickens County Clerk's office.

Sincerely

1st Vincent Missouri

Vincent Missouri

CC: S.C. Sup. Ct.

filed 8-14-2014

(1 of 1)

July 29, 2013

South Carolina Supreme Court
Chief Justice
P.O. Box 11330
Columbia, S.C. 29211

The Honorable Chief Justice:

I am writing this Honorable South Carolina Supreme Court, for the State of South Carolina in a attempt to obtain a semblance of comprehension into a specific rule that local clerk of courts have been exercising, claiming to have acted on behalf of a decision from the majority of members of this Court.

To be concise, clerk of courts around the various judicial districts are uniformly holding; "a defendant that has a attorney (retained or appointed) cannot file pro-se motions to the local clerk of courts", in criminal matters.

However, I find no legal support for such a stance, nor have I read the law upon which such a conflicting rule would be based. Seeing that the South Carolina Constitution extends the direct opposite (i.e. "the right of criminal defendants to be fully heard in his defense, by himself or his counsel, or by both") See Article I, Section 814.

In addition, *Faretta v. California*, 422 U.S. 806 (1975), guarantees the defendant a Sixth Amendment right to represent themselves in criminal matters at trial, which includes control and organization of his own defense, to make and file motions, points of law arguments, to participate in voir

dire, to question witnesses, and to address the court and the jury at appropriate points in the trial, see e.g. McKaskle v. Wiggins, 465 U.S. 168 (1984).

Although there is a distinguishing feature between "self representation" and counsel and defendant acting in concert. The federal and state rules have always been completely open to the defendant actively aiding in his own defense. In Faretta, the U.S. Supreme Court even confirmed that in the unusual case, the defendant would "be more effective than the license practitioner".

Moreover, during critical pre-trial stages, see U.S. v. Cronk, 466 U.S. ____ (1984), if such a rule did exist, it would undoubtedly open the flood gates for ineffective assistance of counsel, where incompetent attorneys for whatever reason, would fail to file necessary pre-trial defense motions in a timely manner.

Such would especially affect the appeal where there is no written motion that would demonstrate a challenge was properly preserved, for which would make a difference of whether a appellate court would apply "plain error or harmless error analysis". Such more times than not, will be the difference between winning or losing an appeal. See U.S. v. Ohio, 507 U.S. 725 (1993), compared with Neder v. U.S., 527 U.S. 1, 19 (1999).

However, it is my limited understanding of the American System of Jurisprudence, That States cannot intentionally deny its citizens, under its Constitution (i.e. S.C. Const. Art. I, Section 83), the right to "equal protection and due process of law". And because of the above rights, specifically coupled with S.C. Article I, Section 814. Cms I find a way for which those constitutional guarantees and such a prohibition by a local rule, prohibiting pro-se filings, could lawfully coexist. For one would certainly have to give

way to the other. Again recapping the United States Supreme Court decision in *Faretta v. California*, 422 U.S. 806 (1975), which remains to be the applicable law in regards to this concern, exposes several key points that I must take the initiative to point out.

First, in *Adams v. United States*, 317 U.S. 269, the Court recognized that the Sixth Amendment right to the assistance of counsel implicitly embodies a 'correlative right to dispense with a lawyer's help.' The Adams case does not, of course, necessarily resolve the issue of concern here. It only held that 'the Constitution does not force a lawyer upon a defendant.'

'The right to assistance of counsel and the correlative right to dispense with a lawyer's help are not legal formalisms. They rest on considerations that go to the substance of an accused's position before the law. What were contrived as protections for the accused should not be turned into fetters. To deny an accused a choice of procedure in circumstances in which he, though a layman, is as capable as any lawyer of making an intelligent choice, "is to impair the worth of great Constitutional safeguards by treating them as empty verbalisms.'

In contrast, the right to "the assistance of counsel", the court concluded, was intended to "supplement the other rights of the defendant", and 'not to impair the absolute and primary right to conduct one's own defense in propria persona. However, the local rule being cited by the South Carolina's Clerk of Courts, is seeking to impair these basic fundamental procedures.

In other words, the Sixth Amendment does not merely provide that a defense shall be made for the accused; it grants the the accused personally the

right to make his own defense. It is the accused, not counsel, who must be informed of the nature and cause of the accusation, 'who must be informed of the confronted witnesses against him', and who must be accorded 'compulsory process for obtaining witnesses in his favor'.

Thus, the right to defend is given directly to the accused; for it is he who suffers the consequences if the defense fails. California v. Green, 399 U.S. 149 (Haden, J. concurring).

More importantly, especially with the instant conveyed concerns; "the counsel provision under the Sixth Amendment speaks of 'the assistance' of counsel", and an assistant, however expert, is still an assistant. The language and spirit of the Sixth Amendment contemplate that counsel, like the other defense tools guaranteed by the Amendment, shall be an 'aid' to a willing defendant, not an organ of the State interposed between an unwilling defendant and his right to represent or defend himself personally.

And such logic thereby undermines any local rule that tempers with a accused right to file pre-trial motions on his behalf, to have them docketed for resolution by the Clerk, and have them adjudicated or addressed at minimum by a court. Again, it is not the attorney that is accused of raising a trial issue for the first time on appeal, thereby limiting appellate consideration. To steady it is the appellant/defendant that suffers the consequence.

For these above reasons, consistent with the United States Constitution, I respectfully request that "seeing that this local rule is in conflict with a accused Sixth Amendment rights, made applicable to the states through the Fourteenth Amendment", is lifted, and that the clerks reestablish communications with pre-trial motion filers, that their cognizable motions be filed according to Due Process

and equal protection under the law. And any further clarification this Honorable South Carolina Supreme Court deems just and proper.

Respectfully Submitted,
1st Vincent Missouri
Vincent Missouri
20 McGee Street
Greenville, S.C. 29601

cc: 13th Ju. Clk of Ct

filed

8/12/2013

(5 of 5)

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PWELBORN@CO.PICKENS.SC.US

Office of Clerk of Court
PICKENS COUNTY
Harold P. "Pat" Welborn, Jr.
P.O. BOX 215
PICKENS, SC 29671

CIVIL RECORDS (864) 898-5862
CRIMINAL RECORDS (864) 898-5864
FAMILY COURT (864) 898-5598

August 20, 2013

Mr. Vincent Missouri
20 McGee St
Greenville, S.C. 29601

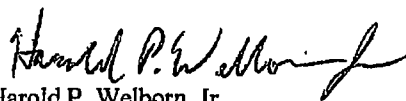
RE: Letter/Motion Dated: 8/14/2013

Dear Mr. Missouri,

I am in receipt of your letter/ motion dated: 8/14/2013

The Solicitor's Office sets the docket for General Sessions Court. You will have to write to them about when your case will be heard. State v. Stuckey 333 S.C. 56 a state Supreme Court case that Chief Justice Toal signed off on, holds that a defendant is not entitled to a "hybrid representation" where a defendant has an attorney but also represents themselves. Write to your attorney. I will place your letter/motion in the courts file.

Sincerely,



Harold P. Welborn, Jr.
Pickens County
Clerk of Court

Exhibit ①

State of South Carolina)
 County of Pickens)

General Sessions Court
 Thirteenth Judicial Circuit

State of South Carolina,
 Respondent,

vs.

Case No: _____

2013 SEP 11 PM 3:28
 CLERK OF COURT
 PICKENS COUNTY
 SOUTH CAROLINA

Vincent Missouri,

Defendant /

Motion To Relieve Counsel for Defendant

This matter comes before this court by way of a pro-se defendant, to request that this court "relieve Mr. Aaron Angell", existing counsel of record from any continuing representation in the matter of State v. Vincent Missouri.

Counsel is completely uninterested or overburdened with prior case loads (and I opine the former) whereas, he cannot competently comply or be of any "assistance of counsel" as guaranteed under the Sixth Amendment.

On several occasions I have requested "motions to be filed on my behalf", to obtain my Rule 5 material, not limited to especially all "docketing information" (i.e. action on the criminal cases pending) in

Exhibit ②

accordance with "my due process guarantees".

These matter have not been handled and it directly interferes with my entitled right to receive "a fair trial", which I doubt will ever occur with a black man, scheduled for trial in Pickens County.

On every hand "verbally and in writing" I have warned Mr. Angell that gross negligence will not be tolerated by this defendant. There is a professional standard for which legal practitioners must abide, ethical considerations and constitutional standards to gauge a lawyers conduct.

With the accusations occurring on June 12, 2012. And I have been on bond for only 2 1/2 months. I should be scheduled for trial or pre-trial hearings. Yet pre-trial hearings is to my disadvantage when "the Supreme Court is restricting pro-se filings and defence counsels, as clearly demonstrated "in textbook form", is blatantly refusing to do their job.

In otherwords "I have to also fire my attorney" in order that my pre-trial motion are scheduled for a hearing, which isn't the only reason for requesting Mr. Angell withdraws.

For these reasons, the defendant respectfully request that Mr. Aaron be relieved from this criminal matter.

Respectfully Submitted,

1st Vincent Missouri

Vincent Missouri

cc: A. Angell

9-2-2013

(2 of 2)

20 McBee Street

Greenville, S.C. 29601



Exhibit (B)

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

August 20, 2013

Mr. Vincent Missouri
Greenville County Detention Center
20 McGee Street
Greenville, SC 29601

Dear Mr. Missouri:

This responds to your letter to Chief Justice Toal seeking a clarification of the law. Since you are apparently represented by counsel in the underlying criminal cases, no action will be taken on this letter. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010);¹ *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998);² *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

¹ "Since there is no right to 'hybrid representation' that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relieve counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel. [citations omitted]. Because petitioner was represented by counsel, the *pro se* motion was not proper, should not have been accepted, and should not have been ruled upon. The motion was essentially a nullity. . . . We also take this opportunity to remind judges and clerks of court of our directive in *Foster* not to accept substantive documents, with the exception of motions to relieve counsel, filed *pro se* by a party who is represented by counsel."

² " . . . 'Faretta does not require a trial judge to permit 'hybrid' representation. . . . A defendant does not have a constitutional right to choreograph special appearances by counsel.' *McKaskle v. Wiggins*, 465 U.S. 168, 183, 104 S.Ct. 944, 953, 79 L.Ed.2d 122, 136 (1984). Since the matter of hybrid representation is left to the discretion of the trial judge, then, by implication, there is no Sixth Amendment right to hybrid representation. *Accord State v. Rickman*, 148 Ariz.

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PWELBORN@CO.PICKENS.SC.US

Office of Clerk of Court

PICKENS COUNTY
Harold P. "Pat" Welborn, Jr.
P.O. BOX 215
PICKENS, SC 29671

CIVIL RECORDS (864) 898-5862
CRIMINAL RECORDS (864) 898-5864
FAMILY COURT (864) 898-5598

September 4, 2013

Mr. Vincent Missouri
20 McGee St
Greenville, S.C. 29601

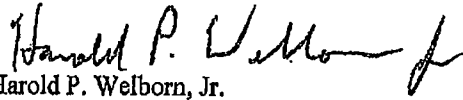
RE: Letter/Motion Dated:

Dear Mr. Missouri,

I am in receipt of your letter/ motion dated:

I am returning your motion. You do have an attorney. All motions must be filed by your attorney. Write to your attorney. State v. Stuckey 333 S.C. 56 defendants are not entitled to a hybrid representation. I will not place your letter/motion in the courts file.

Sincerely,


Harold P. Welborn, Jr.
Pickens County
Clerk of Court

September 8th, 2013

Mr. Harold P. Port Welborn, Jr.

Clerk of Court

P.O. Box 215

Pickens, S.C. 29671

 2013 SEP 11 PM 3 28
 CLERK OF COURT
 PICKENS COUNTY
 SOUTH CAROLINA

In re: Your Sept. 4, 2013 Response letter

Dear Mr. Welborn:

Surely there must be more to look forward to than your inability to comprehend what you cite to defendants. While you rush to respond in opposite of a defendants entitlement.

Let me take this time to point out to you Mr. Welborn, that is occupying the position of Pickens County Clerk of Court. That one of your obligatory expectations is that "you are able to read and comprehend the english language". And if you select to foreclose on a defendant's filings pro-se, by citing caselaw. At least refer to a case you can understand, to state a valid point to sustain your position.

However, for what I filed on September 2, 2013 (i.e. Motion to relieve counsel), there is absolutely "no caselaw" nor rule that supports what you did.

By returning my motion to relieve counsel by you personally Mr. Welborn, you deprived me intentionally of Due Process and Equal Protections under South

Carolina's Law, as well as the United States Constitution. When you failed to file it. You failed to do the job entrusted upon you by the citizens of this state. You exposed me to having to draft this letter, spending time I could otherwise be focusing on my defense, as well as costing me additional postage to "re-mail" what you should have filed in the first place.

Your cited case within your response letter, *State v. Shuckey*, 333 S.C. 56 does not support not filing my motion to relieve counsel, "it instead actually supports filing it". And I suggest you "reread" the case you cited.

And since this is a "motion to relieve counsel", the requested material I sent for needs to be included in your next response letter. Because I do not have the type nor kind of Attorney client relationship envisioned by the Constitution's Sixth Amendment. But moreover, "it is the accused" not counsel that the Constitution directs, must be informed of the nature and cause against him. And there is no better or definite way to accomplish that request than by forwarding "this defendant" a copy of his True Billed Indictment, that "you say" has copies in the attorney's possession.

In conclusion, there plainly exist a clear conflict of interest in any further communications between this office and myself. Whereas, I only attempted to file my motions and obtain all materials for mounting a effective defense. As expected, Pickens County is at odds with Due Process and Equal Protection for minorities, something I aggressively expressed prior to this blatant disregard for the law. They've lodged a G-17-2013 Detainer after the defendant has

been in custody since 11-9-2012. They've charged Armed Robbery knowing "NO weapon is involved in the case". They've requested 3-times as much prison time as Greenville, for the exact identical accusations. And is the only incident that retrieved 100% of their loss back.

This is simply the latest intentional malicious prosecution tactic being arranged to deprive this defendant of Due Process. For these reasons, the defendant will move to "change venue", and dismiss this cause for malicious and vindictive prosecution.

Sincerely
1st Vincent M. Missouri
Vincent Missouri
20 McGee Street
Greenville, S.C. 29601

cc: So. Ct

Filed

9-8-2013

(3 of 3)

TELEPHONE (864) 898-5857
FAX (864) 898-5863
PWELBORN@CO.PICKENS.SC.US

Office of Clerk of Court

PICKENS COUNTY
Harold P. "Pat" Welborn, Jr.
P.O. BOX 216
PICKENS, SC 29671

CIVIL RECORDS (864) 898-5862

CRIMINAL RECORDS (864) 898-5864

FAMILY COURT (864) 898-5598

September 11, 2013

Mr. Vincent Missouri
20 McGee St
Greenville, S.C. 29601

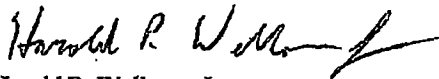
RE: Letter/Motion Dated: 9/8/2013

Dear Mr. Missouri,

I am in receipt of your letter/ motion dated: 9/8/2013

You are currently represented by an attorney. I am forwarding a copy of your letter / motion to your attorney and the Solicitor's Office. You obviously do not understand that I am trying to help you by telling you to contact your attorney. I will place your letter/motion in the courts file.

Sincerely,



Harold P. Welborn, Jr.
Pickens County
Clerk of Court

October 8, 2013

Pickens County Clerk of Court

Mr. Pat Welborn, Jr.

214 E. Main Street

Pickens, S.C. 29671

Dear Mr. Welborn, Jr.:

Please be advised that I am acting on my own behalf, as Mr. Angell and myself has ceased all communications. Wherein, he has personally delivered "my entire case file to me at the Greenville, County Detention Center.

Wherefore, I need these motions filed with the proper entity to have them immediately resolved because they are "jurisdictional in nature" and will require the court's immediate attention.

I appreciate your time and attention.

Sincerely,

1st Vincent Missouri

Vincent Missouri

20 McBee Street

Greenville, S.C. 29601

cc: Filed

10-8-2013

State of South Carolina)
County of Pickens)

General Sessions Court
Thirteenth Judicial Circuit

State of South Carolina,
Respondent,

vs.

Case No: I-336639; I-336638

Vincent Missouri,

Defendant. /

Motion To Dismiss for Failure To Prosecute
In Violation of Defendant's Speedy Trial Rights

Comes now, Vincent Missouri, appearing in pro-se capacity under the liberal standard noted in *Haines v. Kerner*, 404 U.S. 519 (1972), to move this court to dismiss with prejudice "all outstanding charges" stemming from the June 18, 2012, alleged Armed Bank Robbery, within the Municipality of Pickens.

On or about September 2, 2013, based on previously appointed counsel's deficient performance since this appointment, depriving this defendant of an entitled Sixth Amendment right to the effective assistance of counsel. Did "Missouri" formally file with the Pickens County Clerk's office, a motion to

relieve Mr. Aaron Angell, my former attorney from Clemson, South Carolina.

I support of this motion, as for grand ONE:

This defendant contends that there is "unreasonable prosecutorial delay" that is in violation to his rights to a fast and speedy trial under South Carolina Constitution, Art. I., §14. Where the defendant formally invoked such right in a timely manner, prior to the appointment of Mr. Aaron Angell, while being detained at the Pickens County Jail, in June of 2012.

At present, more than fifteen (15) months has elapsed since the time of the accusations accusing Missouri of (1) Armed Robbery I-336639; (2) Entering Bank with Intent To Steal I-336638; (3) Possession of Stolen Vehicle W/N 2012A391060001; (4) T/N, 66579 DE Failure To Stop for a blue light, no injury - 1st offense.

I support of this motion, as for Grand Two:

This defendant contends that "there is no indictment" handed down by the grand jury as the constitution and statute requires. Consistent with Missouri's right to Due Process of law. (See letters between Missouri and Mr. Pat Welborn, Clerk of Court for Pickens, South Carolina.) Also see, S.C. Code §17-19-10 and §17-19-20. Coupled with, Article I., §11 of S.C. Constitution.

(2)

In support of this motion, as for Ground Three:

This defendant contends this far and beyond, such pre-trial delay is in direct conflict with the protections guaranteed by the United States Constitution, Amendment Fourteen; S.C. Constitution, Art. I, §3, which states in relevant part:

"The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws".

In support of this motion, as for Ground Four:

This defendant contends that neither due process or equal protections have been extended to this Afro-American defendant, charged in this county of Pickens, that for one, has within it, a embarrassing history of overt racism towards black people. (See 2013 release of lead law enforcement personnel for issuing racial epithets towards blacks while occupying office.)

That extending due process to particularly Afro-Americans charged within Pickens, South Carolina is non-existing. For example, Missouri, a black defendant was charged on June 18, 2012 with "Armed Bank Robbery" in violation of S.C. Laws.

There is no evidence in this case that remotely suggest that Missouri had a weapon. There is however, a statement relating to the suspect's action. Yet the same teller cannot positively identify the suspect in the larceny, when absolutely "no mask" was reportedly worn by the suspect.

Tending to expose maliciousness in a investigation "to suggest" by police influence. "the elements" of what will increase penalty exposure (a weapon possession increase). When in reality, the teller could not select the defendant in a photo array.

Nevertheless within this Grand Four, is the existing S.C. Rules of Criminal Procedure, Rule (3). And unless the Rules governing the process for which a criminal prosecution proceeds forward is mere formalism and a waste of ink to paper. Rule (3)(c) confirms that "action on the June 18, 2012 warrants, by indictment, shall have taken place within ninety (90) days." And the only such exception expressed within this Rule, is when the solicitor "petitions the circuit court for an order delaying action on the warrant".

However, the Pickens County Clerk, Mr. Pat Welborn, and my former Attorney, Mr. Aaron Angell, have all but openly admitted by their combined omissions and failure to answer or forward the most pertinent document

the defendant is constitutionally entitled to, which supplies the circuit court with "subject-matter-jurisdiction" to hear and/or determine the case before it, "no indictment exist for your cases".

Again, unless the S.C. Constitution is mere words that fails to secure any rights of its citizens, Article I, § 11 explains that:

"No person may be held to answer for any crimes the jurisdiction over which is not within the magistrate's court, unless on a presentment of a grand jury indictment, of the county where the crime has been committed." (in relevant part)

Before addressing the above constitutional paragraph, it is noteworthy to point out that the word "shall" as used in Rule 3, is indicative of "mandatory intent". See *U.S. v. Myers*, 106 F.3d 936 (10th Cir. 1997), leaving no discretion to do other than is prescribed by the official the legislative instruction targets.

Thus, if such directive (i.e. Rule) is not followed, the above constitutional paragraph would beg to comprehend; "why or exactly how" is this "person" being held? Especially when today's date is October 8, 2013. And the date of the accusation was June 18, 2012. The difference of approximately 475 days, when the solicitor was directed to have the indictment secured within the first ninety (90) days.

IV Support of this motion, As to Ground Five:

The defendant contends that due process is lacking not only by the failure to indict, but also; "by the failure to obtain the extension orders", that in this case would amount to multiples for each successive ninety (90) day period passed. See, S.C.R. Crim. P. Rule 3(d).

Yet, this defendant as late as June 17, 2013, was prevented from securing bail, based on a "Hold" from Pickens County, relating back to warrant T-336639, to which bond, on August 18, 2012 is already posted. To which no indictment since June 18, 2012 exist. For this specific reason, does Missouri respectfully request, in accordance with the compiled deprivation of statutory and constitutional rights shown, that the June 17, 2013 "hold" be immediately lifted.

IV Conclusion

This defendant could go on and on. However, a vivid picture has been respectfully painted that reminds the prosecuting agency; "that in order to hold citizens responsible for breaking the law. In their role as advocates for the state, seeking justice also requires abiding by those same legal and ethical principles. Even where here, Missouri is claiming an infancy defense to the criminal accusation that must be resolved in a trial. In other words, "never take for granted that almost 92% of all criminals plead guilty or are ignorant to the law", which allows for relaxed indictment policy by prosecuting agencies. Because without a proper indictment. The court is without

subject-matter-jurisdiction to act. See *State v. Conroy*, 363 S.C. 93, 610 S.E.2d 494 (2005); see also *Pierre v. State*, 338 S.C. 139, 526 S.E.2d 222 (2000), and *State v. Munn*, 292 S.C. 497, 357 S.E.2d 461 (1987). And in *Holmes v. South Carolina*, 547 U.S. 319, 126 S.Ct. 1727 (2006), Mississippi prohibits the right to put forth a complete defense.

Wherefore, the defendant Mississippi respectfully requests that this motion as well as previous motions be resolved. That this case can proceed forward so that the defendant can exercise his right to trial, or agree to have these matters resolved in a different manner, consistent with restoring the deprivation already lost. And for any further relief this court deems just and proper, with a immediate order to remove the June 17, 2013 hold placed by Pickens Detention Center.

Respectfully Submitted,
 151 Thruway, Mississippi
 Vincent Mississippi
 30 Mc Lee Street
 Greenville, S.C. 29601

cc: CLK of CF
 10-8-2013

(7 of 7)

State of South Carolina }
County of Pickens }

General Sessions Court
Thirteenth Judicial Circuit

State of South Carolina,
Respondent,

vs.

Case No: I-336639; I-336638

Vincent Missouri,
Defendant /

Motion To Release. Hold from Defendant

Comes now, Vincent Missouri, appearing in pro-se capacity, under the liberal standard noted in *Haives v. Kerner*, 404 U.S. 519 (1972), to move this agency of Pickens County, by and through this court, to grant relief by ordering that the June 17, 2013 hold be released over this defendant, based on A June 18, 2012 charge that has never been indicted.

Argument In Support

On or about June 18, 2012, the defendant was and remains accused within the municipality of Pickens, South Carolina, with armed

robbery. Case numbers are identified within the caption page. The defendant secured bond on or about August 18, 2012, as that bond remains in fact. However, the electronic monitoring conditions "which should not have been included" remains to be a issue.

Withstanding the above issues, the defendant now firmly relies on "Statutory and Constitutional grounds" in order to remove the June 17, 2013 hold placed on him.

(1) To begin with, such hold is causing him to be continually imprisoned in the county jail, when after 495 days "no indictment to prosecute" said cases exist. Such has already been investigated and confirmed through Mr. Pat Welborn of the Clerk of Court. And former counsel, Mr. Armond Angell, of 398 Clemson Ave., Clemson South Carolina.

(2) According to S.C. Constitution at Article I, § 11, it states in no uncertain terms that:

"No person may be held to answer for any crime the jurisdiction over which is not within the magistrate court, unless on a presentment of an indictment before a grand jury, of the county where the crime has been committed" Id.

Moreover, S.C. Rules of Criminal Procedure, Rule 3 outlines the particularities of how such indictment is to be secured. And the timelines in which to accomplish this. Given in mandatory terms to

the solicitor. See S.C.R. Crim. P. Rule 3(c). If such timeline cannot be met, a solicitor may petition the circuit court under Rule 3(d) for an extension, giving him successive ninety (90) day periods. The Pickens Clerk also relents, "this did not occur", by the failure to supply this defendant with requested copies. It is "the accused" that must be informed by indictment of the nature of the charges in writing.

(3) Considering that defendant is on point with the above facts, such failure to indict deprives the circuit court of "subject-matter-jurisdiction" to hear or determine this case. Moreover, such failure to indict deprived this defendant of Article I, §3 of South Carolina Constitution, which is "Due Process" and "Equal Protection" being a citizen of this state. Section 3 states:

"The privileges and immunities of citizens of this state and of the United States under this Constitution "SHALL NOT BE ABRIDGED", nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied equal protection of the laws".

The irony here is that, "the drafters of this constitutional provision had to have known that while due process would be afforded to most, some would ultimately be denied that very process that could equal

(3)

or level the scales of justice. And took the time to write in a protective paragraph to combat those type deprivations, whenever or wherever they would arise.

Thus, "if the United States Constitution applied to the States by way of the Fourteenth Amendment; coupled with South Carolina's Constitution are not mere verbalisms with absolutely "no legal effect". Then this defendant, according to Article I, § 3 and Section 511, shall not be suffering from a continuing Hold from Pickens County or City. Where, in 475 days after the accusations, we still have no proper indictment. Emphasizing the word "Proper". See also statute §17-19-10 and §17-19-20.

For these reasons, Defendant moves that this court, pursuant to "the law" irrespective of normal custom to do otherwise, Grant the relief requested by immediately ordering that the June 17, 2013 Hold be immediately removed, and any further relief this honorable court deems just and proper.

Respectfully Submitted,
/s/ Vincent Missouri
Vincent Missouri
20 McGee Street
Greenville, SC, 29601

cc: Pickens City Police Dept.
Clerk of Ct.

10-8-2013

(4 of 4)

Office of Clerk of Court

TELEPHONE (864) 898-5857

FAX (864) 898-5863

PWELBORN@CO.PICKENS.SC.US

PICKENS COUNTY

Harold P. "Pat" Welborn, Jr.

P.O. BOX 215

PICKENS, SC 29671

CIVIL RECORDS (864) 898-5862

CRIMINAL RECORDS (864) 898-5864

FAMILY COURT (864) 898-5598

October 11, 2013

Mr. Vincent Missouri
20 McGee St
Greenville, S.C. 29601

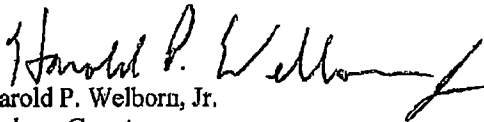
RE: Letter/Motion Dated: 10/8/2013

Dear Mr. Missouri,

I am in receipt of your letter/ motion dated: 10/8/2013

Mr. Angell will remain your attorney until the time a Circuit Court Judge signs an order relieving him as your attorney. Once again write to your attorney. Your attorney must file all necessary motions. I am returning your motions, if you want it filed send it to your attorney. I will not place your letter/motion in the courts file.

Sincerely,



Harold P. Welborn, Jr.
Pickens County
Clerk of Court

STATE OF SOUTH CAROLINA
 COUNTY OF PICKENS

CLERK OF COURT
 PICKENS COUNTY
 SOUTH CAROLINA

-VS-

2013 OCT 16

Warrant Numbers: I677879, I3366879, I336638,
 A6379DF, 2012A3910600001

VINCENT MISSOURI

Defendant.

MOTION TO WITHDRAW AS COUNSEL

Defense counsel was court appointed to represent the above named defendant on the above criminal charges in Pickens County on July 16, 2012. The Defendant is dissatisfied with the services provided by his Defense Counsel and wishes to terminate the attorney/client relationship and have new counsel appointed or in the alternative continue with the defense of his case, Pro Se.



Aaron J. Angell

ATTORNEY FOR THE DEFENDANT

SC BAR #: 80867

398 College Ave.

Clemson, SC 29631

Phone: (864) 654-8011

Fax: (864) 752-1422

Dated: October 10, 2013
 Clemson, South Carolina

CLERK OF COURT
 PICKENS COUNTY
 IN THE COURT OF GENERAL SESSIONS, THIRTEENTH JUDICIAL CIRCUIT
 SOUTH CAROLINA

STATE OF SOUTH CAROLINA

2013 OCT 16 AM 11:44

THE STATE OF SOUTH CAROLINA)
 COUNTY OF PICKENS)

-VS-)

WARRANT #: I677879, I3366879
 I336638, 66579DF, 2012A3910600001

VINCENT MISSOURI)

Defendant.)

Certificate of Service

The Undersigned, Aaron J. Angell, certifies that he did mail, with proper postage affixed, a certified copy of the following, which are being served on you along with this Certificate of Service:

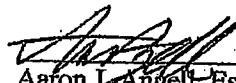
Motion to Withdraw as Counsel

The said pleading was addressed to the following:

13TH Circuit Solicitor's Office
 214 East Main Street
 Pickens, SC 29671

Pickens County Clerk of Court
 214 East Main Street
 Pickens, SC 29671

This 10th day of October, 2013.


 Aaron J. Angell, Esquire
 Attorney for Vincent Missouri
 SC Bar No: 80867

Aaron J. Angell, Esq.
 398 College Ave.
 Clemson, SC 29631
 Phone: (864) 654-8011
 Fax: (864) 752-1422

December 22, 2013

Pickens County Courthouse
 214 E. Main Street
 Pickens, S.C. 29671

2013 JAN 2 PM 4 52
 CLERK OF COURT
 PICKENS COUNTY
 SOUTH CAROLINA

Dear Mr. Welborn, Jr.;

I am writing you to convey that my enclosed "intent to appeal Judge Verdin's 12-19-2013 decision, like the motion to "relieve counsel" itself, cannot be barred by the local restriction (i.e. Rule) prohibiting pro-se filings from those that have assigned people pending as attorneys in their cases.

The court's 12-19-2013 will emphatically be overturned by her or her superior courts. Whereas, the time used for that hearing could have been put to more effective use to extend due process and a fair trial in a number of other issues pending.

In addition, "my motion to change venue" out of the hands of Pickens County, for what many perceive is engaged in overt or covert racism was filed prior to the appointment of counsel, and I need it expeditiously scheduled for court resolution. Thank You!

Respectfully,

Bl Vincent Missouri

Vincent Missouri

30 McGee Street

Greenville, S.C. 29601

cc: Alad
 12-22-2013

(1 of 1)

State of South Carolina }
County of Pickens }

General Sessions Court
13th Judicial Circuit

State of South Carolina,
Respondent,

vs.

Case NO: 12-GS-39-2202; 12-GS-
39-2203; 12-GS-39-2204

Vincent Missouri,
Defendant

Intent To Appeal Pre-Trial Ruling

Comes now, Vincent Missouri, appearing in pro-se capacity to "appeal the honorable Judge Verdin's denial of defendant's motion to relieve counsel" and proceed in pro-se capacity"; rendered at the Pickens County Courthouse, on December 19, 2013.

That the court's ruling directly conflicts with a Supreme Court decision, See Faretta v. California, 422 U.S. 806, 95 S.Ct. 2525 (1975) which warrants a mandatory reversal and remand to enter a judgment consistent with a superior court.

cc: Filed
12-22-2013

(I)

Respectfully Submitted,
ISI Vincent Missouri
Vincent Missouri

December 22, 2013

Pickens Clerk of Court
 214 E. Main Street
 Pickens, S.C. 29671

Re: Freedom of Information Act

2014 JAN 2 PM 5:12
 CLERK OF COURT
 PICKENS COUNTY
 SOUTH CAROLINA

Dear Clerk:
 This requester, Vincent Missouri, is hereby requesting
 under the S.C. Statute governing the Freedom of Information, all dates
 that the Grand Jurors within Pickens County, South Carolina, stood
 is session.

Please forward to this defendant, authenticated record of evidence
 displaying "all sessions" for the years of 2012 and 2013, to the
 below listed requester, at the below listed address. I appreciate
 your time and attention. This letter under the FOIA is not a
 pro-se motion.

Respectfully Submitted,
~~At Vincent Missouri~~
 Vincent Missouri
 30 McLee Street
 Greenville, S.C. 29601

cc: Med
 12-22-2013

(1 of 1)

TELEPHONE (864) 898-5857
FAX (864) 898-5863
PWELBORN@CO.PICKENS.SC.US

Office of Clerk of Court

PICKENS COUNTY
Harold P. "Pat" Welborn, Jr.
P.O. BOX 215
PICKENS, SC 29671

CIVIL RECORDS (864) 898-5862
CRIMINAL RECORDS (864) 898-5864
FAMILY COURT (864) 898-5598

January 2, 2014

Mr. Vincent Missouri
20 McGee St
Greenville, S.C. 29601

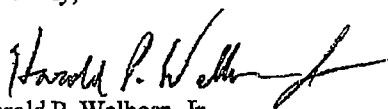
RE: Letter/Motion Dated: 12/22/2013

Dear Mr. Missouri,

I am in receipt of your letter/ motion dated: 12/22/2013

You have an attorney; all motions must be filed by your attorney. Write to your attorney. I am sending information concerning Grand Jury Sessions for 2012 and 2013. I will place your letter/motion in the courts file.

Sincerely,

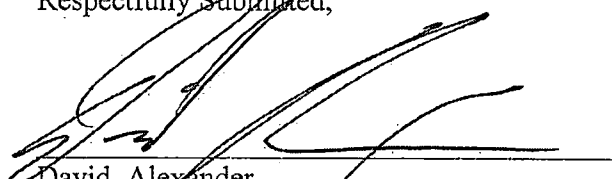


Harold P. Welborn, Jr.
Pickens County
Clerk of Court

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Supplemental Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,


David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 26th day of October, 2016.

RECEIVED

OCT 26 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

OCT 26 2016

SC Court of Appeals

Appeal from Pickens County
Honorable James R. Barber, Circuit Court Judge

THE STATE,

RESPONDENT,

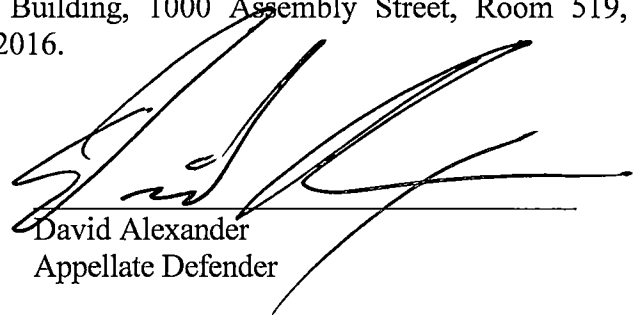
V.

VINCENT MISSOURI,

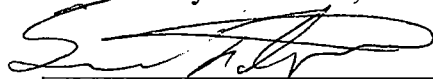
APPELLANT

CERTIFICATE OF SERVICE

I certify that a copy of the Motion to Supplement the Record on Appeal along with the Supplemental Record on Appeal in the above-referenced case has been served upon V. Henry Gunter, Jr., Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 26th day of October, 2016.


David Alexander
Appellate Defender

SUBSCRIBED AND SWORN TO before me
this 26th day of October, 2016.

 (L.S.)

Notary Public for South Carolina
My Commission Expires. October 30, 2022.