

January 26, 2017

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**JAN 30 2017**

**S.C. SUPREME COURT**

Supreme Court of South Carolina  
Honorable Daniel E. Shearouse  
Clerk of Court  
Post Office Box 11330  
Columbia, SC 29211

**Re: Status of requested Counsel Communication / Motion to Allow the Late Filing of Notice of Appeal.**

Dear Honorable Clerk Daniel Shearouse:

I am humbly following up from a letter you sent to my appellate counsel, Fulton Casey Dale Cornwell, on December 7<sup>th</sup>, 2016. (See enclosed). I wanted to know if he had reached out to the Court in response and to file notification of the long-requested notice of appeal (?). I **still** have received no communication from him *whatsoever*.

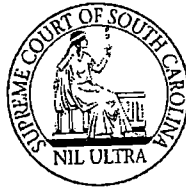
As an indigent defendant, what am I to do when my constitutional rights continue to be willfully denied at the hands of the counsel delegated to represent my requests / interests? On the very day of your last letter to Cornwell (7<sup>th</sup> of December), the Supreme Court issued a ruling that "a lawyer who disregards specific instructions from the defendant to file a notice of appeal acts in a manner that is professionally unreasonable regardless of whether the appeal would have had merit." (Kinard v. State, Opinion No. 27687). How much more "unreasonable" when counsel refuses to communicate at **all** with the defendant let alone file his necessary motion of appeal?

In closing, I am at a loss as to how to proceed? It is against everything "right" for my chance at appeal to continue to be denied me due completely to an appointed attorney who simply refuses to fulfill his basic duties as counsel to an indigent defendant.

Please feel free to forward all of our correspondence to the Disciplinary Counsel as well. I will humbly await your reply.

Sincerely,

CC: File



# 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

1231 GERVAIS STREET  
COLUMBIA, SOUTH CAROLINA 29201  
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December 7, 2016

Fulton Casey Dale Cornwell, Esquire  
448 Deerwood Street  
Unit 9A  
Columbia SC 29205

Re: William R. Welch v. State  
Appellate Case No. 2016-002428  
Lower Court Case No. 2013CP43001169

Dear Counsel:

Enclosed is a copy of a *pro se* notice of appeal that your client has filed in this matter. As you will see, this notice of appeal was apparently filed in the circuit court on November 4, 2015, but a copy of it was not mailed to this Court until November 30, 2016. Since you were his counsel before the circuit court, I remind you that you remain his counsel before this Court. Rule 71.1(g) of the South Carolina Rules of Civil Procedure; Rule 264 of the South Carolina Appellate Court Rules (SCACR).

This case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at [www.sccourts.org/courtreg](http://www.sccourts.org/courtreg). Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar

number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at [www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02](http://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02). Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

For this matter to proceed, it will be necessary for you to provide the following to this Court within fifteen (15) days of the date of this letter:<sup>1</sup>

- (1) A motion to allow the late filing of the notice of appeal; and,
- (2) A proof of service showing when and how this notice of appeal was served on the counsel for the State.

Very truly yours,



CLERK

Enclosure

cc: Alan McCrory Wilson, Esquire  
Mr. William Ricky Welch

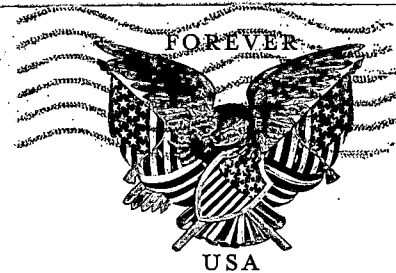
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<sup>1</sup> While your client did not provide a copy of the conditional order of dismissal or the final order of dismissal, this office has obtained a copy of those orders from the Office of the Attorney General.

William Ricky Welch #208451  
LEE CI F6B 1246  
990 Wisacky HWY  
Bishopville S.C 29010

COLUMBIA SC 290

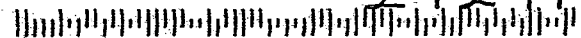
27 JAN 2017 PM 11



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Daniel E. Shearouse.  
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