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MAR -1 2017

2-27-17

Daniel Shearouse

S.C. SUPREME COURT

Clerk of Court

P.O. Box 11330

Columbia, S.C. 29211

Dear Mr Shearouse,

I am writing in concern of my due process rights. October 7, 2016 I receive a letter from The Supreme Court of South Carolina stating that Mrs. Larkelle Canty Durant was my Appellant Defense attorney. In the same letter I was advised to ask her to petition for a bail due to the courts not accepting pro se representation. I corresponded with Mrs. Durant and she was fairly helpful. She asked me to send her some affidavits of a place of residence, employment and also someone stating they will put up surety plus pay the bond. The documents was supplied as notified. In February 2017, I received another letter stating that her supervisor Robert Dudek, Chief Appellate Attorney would not allow her to place the petition because there is no extreme exceptional situation. She also stated Mr. Dudek stated if I can afford a bond, I can afford a lawyer.

During my studies of appellate laws and regulations, Rule 243k and statute 18-1-90, I fit the criteria for bail. The criteria is as followed: Sentence originally (after trial) imposed did not exceed imprisonment for ten years, the petition should be made to lower courts; The danger the applicant will prevail on appellate review and the nature of the relief he or she will receive; the seriousness of the crime committed; the danger the applicant may pose to the community if he or she is released; and the likelihood that he or she may flee.

18-1-90 Bail shall be allowed to the defendant in all cases in which the appeal is from the trial, conviction or sentence for a criminal offense, except that no bail shall be allowed when the defendant shall have been sentenced to death, life imprisonment or

for a term exceeding ten years. My appellate case clearly reaches these criteria and provisions. Notice the laws do not include the extraordinary circumstance Mr. Dadek states and will not disclose to me or my family.

My case depends on a proper investigation of the evidence. I was convicted by an informant testimony and an audio as evidence. Without the examining of the informant credibility or the investigation of the contents on the audio I can't possibly have due process of law. Although Mrs. Durant has filed a Writ of Certiorari and an Anders Brief, she and I do not think it is sufficient due to the resources given to her. She could not have provided a proper investigation into the facts and evidence.

If bail was allowed, I could provide the finances need to obtain a lawyer to do a full investigation. I only have one bite of the Apple as they may say. My parents has signed and agree to pay the bond. Unfortunately they can not afford a lawyer and the bond. If it is possible, can you please explain how can I resolve this matter? If it is not possible can you explain how can I petition the court for a full investigation? If necessary, can you forward this to the proper authorities if necessary.

Sincerely,

Samuel Brown

Samuel Brown 254907  
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1516 Old Gilliard Rd  
Ridgeville S.C 29472

The process of bail after appeal is by Constitution Due process  
The laws are stated on the next page.

# United States Constitution of America

## 18 U.S.C.A.

3141(b) Release and detention authority generally  
Judicial officer of a court of original Jurisdiction over an offense, or a judicial officer of a Federal Appellate Court, shall order that, pending imposition or execution of sentence, or pending appeal of conviction or sentence a person be released under this Chapter

### 3142 Release or detention

A) A crime of violence, a violation of over 10 years

B) A Control substance violation over 10 years

State vs Whitenier 81 S2d 784

3143(b) Release or detention pending appeal by the defendant

(1) Except as provided in paragraph (2) the judicial officer shall order that a person who has been found guilty of an offense and sentenced to a term of imprisonment, and who has filed an appeal or petition for writ of certiorari, be detained, unless judicial officers finds

A) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety or any other person or the community if released under section 3142(b)(c) of this title, and

B) that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in (i) reversal (ii) an order for new trial (iii) a sentence that does not include a term of imprisonment (iv) a reduced sentence of imprisonment less than time already served plus expected duration of the appeal process

Speight v Whidolon 516 F Supp 905

US ex rel Bad Heart Ball a Parkinson 381 F Supp 985

US ex rel Means v Solem (1977 D.C) 440 F Supp 544

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