

J. FALKNER WILKES

Attorney at Law

114 Whitsett Street
Greenville, South Carolina 29601

Telephone: (864) 282-1292
Facsimile: (864) 271-6035

December 4, 2013

Rickey Mazique, #353218
386 Redemption Way
McCormick, SC 29899

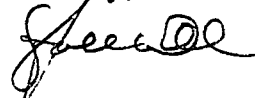
Dear Rickey,

I have received funds from both your father and Tyrone. I am enclosing a fee agreement for you to sign and return to me. If you have any questions about it, please let me know. Otherwise, please sign it and return it to me so that I can begin working on your case.

I will obtain the transcript from the trial so that we can review it for direct appeal issues. Once I have it I will forward you a copy. Once we have both had an opportunity to review the transcript, we will be able to better evaluate the case.

I am enclosing a self addressed stamped envelope for you to use in returning the enclosed fee agreement.

Sincerely,



J. Falkner Wilkes

J. FALKNER WILKES

Attorney at Law

114 Whitsett Street
Greenville, South Carolina 29601

Telephone: (864) 282-1292
Facsimile: (864) 271-6035

January 24, 2014

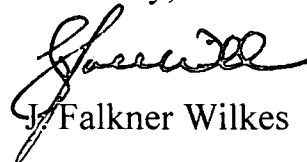
Rickey Mazique, #353218
386 Redemption Way
McCormick, SC 29899

Dear Rickey,

I am enclosing a copy of the State's Initial Brief. I am reviewing it now to determine whether a Reply is necessary. I have to make that determination quickly as there is only a ten day window for filing a Reply if one is necessary. If it appears that a Reply is required I will file one. Otherwise, I will begin to prepare the Record on Appeal and Final Briefs for filing. Because we are required to print, bind and file or serve 16 copies of the briefs and record there will be approximately three hundred dollars in costs for the printing and binding of the Record and Briefs. Please have your family contact me immediately regarding the costs as there is a deadline for the filing of the Final Briefs and Record on Appeal.

I will update you once I have determined whether a Reply is required. If not I will prepare the material for printing and binding and await contact by your family.

Sincerely,



J. Falkner Wilkes

4-20-2015

RICKEY MAZIQUE #353218
BRCI MONT.117
4460 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA 29210

J. FALKNER WILKS
ATTORNEY AT LAW
114 WHITSETT STREET
GREENVILLE, SOUTH CAROLINA

RE: LETTER OF INQUIRY

I FORWARD YOU THIS MISSIVE WITH THE INTENT TO OBTAIN A BETTER UNDERSTANDING. AS IT RELATES TO THE FILING OF MY APPEAL.

INITIALLY WE AGREED TO AN AMOUNT THAT YOU WERE PAID BY MY FATHER AND TYRONE, AND NOW IT'S TIME FOR THE FINAL BRIEF'S TO BE SUBMITTED AND YOU'RE CHARGING ME ADDITIONAL FEES. NOW YOU'RE PUTTING IT TO ME AS IF I DON'T PAY THIS ADDITIONAL FEE, THE FINAL BRIEF'S WILL NOT BE FILED. I TOOK IT AS THOU YOU WERE ONLY ASKING FOR HELP. AND THE COST WAS (300.00) THREE HUNDRED DOLLARS. HOWEVER, YOU INFORMED MY SISTER THAT IT WOULD BE AN ADDITIONAL (750.00) SEVEN HUNDRED AND FIFTY DOLLARS AND THAT YOU WERE WAITING ON THIS BEFORE YOU WOULD FILE THE FINAL BRIEF'S. AS AGREED I TOLD YOU WHAT I COULD AFFORD, I WAS ABLE TO COME UP WITH (250.00) TWO HUNDRED AND FIFTY DOLLARS MORE THAN THE AGREED AND PAID AMOUNT. I DO NOT HAVE THE ADDITIONAL FUNDS, NOR SHOULD THEY HAVE BEEN ANY ADDITIONAL FUNDS ATTACHED. AND I NOW ASK WHAT IS THE STATUS OF THE FILING OF THE FINAL BRIEF'S ?

I AWAIT YOUR REPLY.

SINCERELY,



RICKEY MAZIQUE

J. FALKNER WILKES

Attorney at Law

114 Whitsett Street
Greenville, South Carolina 29601

Telephone: (864) 282-1292
Facsimile: (864) 271-6035

October 23, 2016

Rickey Mazique, #353218
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210

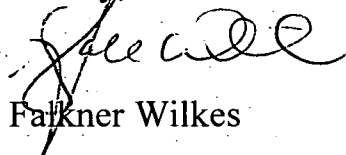
Dear Rickey,

I am sorry to inform you that the court of appeals has issued an order affirming the conviction in your case. I am enclosing a copy for you to review. You may continue to the appeal by filing a petition for rehearing which must be received in the office of the clerk of court before the end of the fifteenth day following the issuance of the opinion. If you intend to pursue the case into the supreme court, you must timely file a petition for rehearing in the court of appeals and have it ruled on. If a timely petition is not received by the court of appeals, the appeal will become final and no further appeal can be taken.

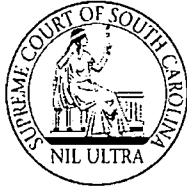
My representation and fees do not extend to further appeal of the case. Obviously I would like to continue with the appeal but since doing so would require additional fees and costs, you must make a cost benefit analysis. If you believe that it is worth committing additional funds for fees and costs to continue the appeal please have your family contact me and make the necessary arrangements immediately so that we can get started.

I will be in a murder trial this week but if your family calls and leaves a message I will try and respond to them after the end of the day. Because I am preparing for the trial that starts tomorrow I can not go into an analysis of the decision in this letter. If you have questions or comments please write to me and I will try to respond as soon as the murder trial is over.

Sincerely,



J. Falkner Wilkes



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

November 4, 2016

J. Falkner Wilkes, Esquire
114 Whitsett St.
Greenville, South Carolina 29601

Re: The State v. Ricky Mazique
Appellate Case No. 2012-213631

Dear Mr. Wilkes:

Enclosed is correspondence received from your client. Since you represent him before the South Carolina Court of Appeals,¹ no action will be taken on this *pro se* document by this Court. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *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) *Foster v. State* 298 S.C. 306, 379 S.E.2d 907 (1989).

Very truly yours,

Daniel E. Shearouse
CLERK 55

Enclosure

cc: Mr. Rickey Mazique #353218
David A. Spencer, Esquire (with copy of correspondence)
The Honorable Jenny Abbott Kitchings (with copy of correspondence)

¹ I do not see any indication in the appellate case management system that the Court of Appeals has relieved you as counsel for appellant under Rule 264 of the South Carolina Appellate Court Rules. Therefore, I do not understand his assertion that you are no longer his counsel. In any event, if it is appropriate to relieve or appoint counsel for the purpose of filing a petition for rehearing, that is a matter for Court of Appeals to consider.

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

The State, Respondent

v.

Rickey Mazique, Petitioner

Appellate Case No. 2012-213631

MOTION FOR SUBSTITUTE COUNSEL

Comes Now, Rickey Mazique, (hereinafter), Petitioner, respectfully moves this Honorable Court for a Substitute Counsel, and states the following for good cause:

(1) Petitioner's attorney, J. Falkner Wilks has breached the trust, by obtaining additional funds and attempting to obtain additional funds for work that was included in the initial amount agreed to, and paid in full before signing on as Attorney of Record. Mr. Wilks wrote Petitioner and requested three hundred (\$300) for copying costs before he could submit the final brief and record of appeal. Petitioner's daughter sent two hundred fifty (\$250) dollars to Mr. Wilks, and his sister was going to send to rest, however, when Petitioner's sister called Mr. Wilks to obtain the information for sending the money, Mr. Wilks told her the cost would be seven hundred fifty (\$750) dollars. Petitioner then stopped the payment and wrote Mr. Wilks a letter of inquiry. Thereafter, Mr. Wilks submitted the final brief and record of appeal, but failed to provide Petitioner with

a copy. (See Attached Exhibits).

(2) After Petitioner's appeal was affirmed by this court, Mr. Wilks gave notice to Petitioner that Petitioner had fifteen (15) days to file a Petition for Rehearing or the appeal would become final, and that his services were completed, but if I wanted him to continue it would cost additional fees. Petitioner contacted Mr. Wilks on that same day he received this notice and informed Mr. Wilks that his family could not afford the additional funds and that to their agreement the amount already paid covered the entire appeal. Petitioner then contacted this court and the Supreme Court within the fifteen (15) days giving notice of intent to Petition for Rehearing and Appointment of counsel. Mr. Shearouse has notified Petitioner that Mr. Wilks is still the Attorney of record. Petitioner now feels that this is an intentional act to have Petitioner time barred.

(3) Petitioner's Sixth Amendment Right to counsel extends to direct appeal, and as of the date that Mr. Wilks notified Petitioner that his obligations were completed, all communications ceased and Petitioner was without counsel. Petitioner has through due diligence been making attempts to obtain counsel and Petition this court for rehearing, on rehearing Petitioner will contend the following:

(1a) Respectfully this court has misstated facts within their law and analysis that gives a different effect to what really was said by the trial judge and Petitioner, this can be established by the record. (2a) Respectfully this court applied the wrong standard of review when reviewing whether

a trial judge abused its discretion on a motion to substitute counsel, this court cited State v. Graddick 548 S.E.2d 210, However, the correct standard of review that this court apply is State v. Sims 504 S.E.2d 377 this standard mandates that this court evaluate a motion to substitute counsel by applying the three factors set out in U.S.v. Gallop 838 f.2d 105 (4th cir.1988) which in turn relied on Morris v. Slappy 461 U.S.1,103 S.ct.1610 (1983) thus the issue was decided on federal law.(2) Respectfully this court overlooked Faretta v. California 422 U.S.806 95 S.ct. 2525 holding that a defendant may assert his right to self representation at any time prior to trial, this court misstated material facts completely overlooked Petitioners issue, addressing the issue by combining statements made at the motion to substitute counsel which took place prior to the Jackson v. Denno hearing. Petitioner bears the burden to establish good cause for substitute of counsel, if Petitioner unequivocally asserts his right to self representation it voids the motion to substitute counsel. The question before this court was whether Petitioners right to self representation was denied during the Jackson v. Denno hearing, this court found no error in the courts Initial denial to dismiss Petitioners counsel during the pretrial hearing. This court cites In re Christopher 596 S.E.2d 500 and all information cited thereafter is misplaced, the question is clearly pretrial which took place Nov.8th a review of the record establishes that Petitioner motion was filed two months prior to this hearing, along with Petitioners repeated statements that he wanted to represent himself right now at this hearing

establihes that his efforts was not for delay.(2b)Respectfully
this court overlooked Faretta v. California, and Mckaskle v.
Wiggins 104 S.ct.944 the question before this court was whether
standby counsel waiver of Petitioners Baston Changllenge denied
Petitioner right to self representation, this court found that
Petitioner failed to object when standby counsel and cites no
authority nto to omit that the state failed to brief this issue
However,it is the trial courts responsibailty to differentiate
the claims presented by a pro se defendant from those presented
by standby counsel and to avoid violation the court must decided
any conflict in favor of the defendant.Mckaskle v. Wiggins 104
S.ct.944. This court also overlooked S.C.code Ann 14-7-1030
Time for objection,Petitioners objection came before the jury
was sworn See State v. Short 511 S.E.2d 358.Petitioners
contends that he has put forth enough for this court to grant
Petitioner substitute of counsel..

Respectfully Submitted

Rickey Mazique

AFFIDAVIT

I, Rickey Mazique, hereby swear that the befor mentioned contentions within the Motion to Substitute Counsel are true and correct to the best of my knowledge and does so under the penalty of perjury.

PROOF OF SERVICE

I, Rickey Mazique. Certify that I have served a motion to Substitute Counsel on Mrs. Jenny ABBOTT Kitching Clerk of Court by depositing a copy of it in the mailroom at BRCI Postage Prepaid on Nov. 2016. addressed to Post office box 1162, Columbia, S.C. 29211.

Sworn before me

14 November 2016



my commission expires

9/14/2020

Respectfully Submitted,

Rickey Mazique.

Rickey Mazique 353218
4460 broadriver rd.
columbia, S.C. 29210

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

The State,)
Respondent,)
)
V.)
)
Rickey Mazique,)
Petitioner,)
)
Appellate Case No. 2012-213631)

MOTION FOR LEAVE
Pursuant To Rule
29 (b)

MOTION FOR LEAVE

Comes Now, Ricky Mazique, (hereinafter), Petitioner, respectfully moves this Honorable Court, for Leave Pursuant to rule 29(b). For the following reasons.

(1.) After discovered evidence of an conflict of interest existing when Petitioners Motion to Substitute Counsel was heard by the trial court, Counsel omitted the material fact that the Public Defenders Office was representing Tonia Branton, Ms. Branton was the states witness who was being represented by James Galmore, who was also assigned to Petitioners case. Had both counsels and both solicitors, Josh Holford and Brad Richardson disclosed this to Petitioner and the court, it would have mandated substitution of counsel, or this would have been an additional ground for this court to consider when rendering its decision on appeal. This after discovered evidence is also a Material Fact overlooked that would mandate a rehearing.

Petitioner prays that this court grant leave in the interest of justice.

Respectfully Submitted.

AFFIDAVIT

I, Ricky Mazique, hereby swear that the before mentioned contentions within this Motion For Leave are true and correct, and does so under the Penalty of Perjury.

PROOF OF SERVICE

I, Ricky Mazique, certify that I have served a Motion For Leave pursuant to Rule 29(b) one Mrs. Jenny Abbott Kitching, Clerk of Court, by depositing it in the mailbox at B.R.C.I. postage prepaid on 3-6-2017 addressed to Post Office Box 1162 Columbia, S.C. 29211.

Respectfully Submitted,

Ricky Mazique #353218
4460 Broad River Rd.
Columbia, S.C. 29210

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

| | | |
|---------------------------------------|-------------|------------------------|
| THE STATE. |) | |
| | Respondent, |) |
| |) | |
| V. |) | AMENDMENT TO |
| |) | MOTION FOR LEAVE |
| |) | PURSUANT TO RULE 29(b) |
| Ricky Mazique |) | |
| | Petitioner, |) |
| |) | |
| <u>Appellate Case No. 2012-213631</u> |) | |

AMENDMENT TO
MOTION FOR LEAVE

COMES NOW, Ricky Mazique. (hereinafter), Petitioner, Respectfully Amends his Motion For Leave. Petitioner hereby submits to this Honorable Court the evidence to establish the conflict of Interest, existing when petitioners motion for substitute of counsel was heard. (See Exhibits). Petitioner contends that the evidence presented to this court, requires this court to grant Leave, allowing Petitioner to present this evidence to the trial court. WHEREFORE Petitioner prays that this Honorable Court grants leave.

Respectfully Submitted,

James Galmore

From: James Galmore [james.galmore@hgcddefender.org]
Sent: Wednesday, October 31, 2012 10:34 AM
To: 'Richardson, Brad'
Subject: RE: Tonia Branton

I assume there is a conflict in my office?

From: Richardson, Brad [mailto:RichardB@HorryCounty.org]
Sent: Wednesday, October 31, 2012 9:58 AM
To: Galmore, James
Subject: RE: Tonia Branton

James, you all may need to reassign the case to outside counsel.

Brad C. Richardson
Senior Assistant Solicitor
Fifteenth Circuit Solicitor's Office

From: James Galmore [mailto:james.galmore@hgcddefender.org]
Sent: Monday, October 29, 2012 12:16 PM
To: Richardson, Brad
Cc: Fox, Eric
Subject: FW: Tonia Branton

Thanks. I'm forwarding it to Brad.

From: Holford, Josh [mailto:holfordj@HorryCounty.org]
Sent: Monday, October 29, 2012 12:03 PM
To: Galmore, James
Cc: Richardson, Brad; Fox, Eric
Subject: RE: Tonia Branton

Ms. Branton is Brad's file. At one point she may have been Nancy's, but due to a conflict with a trial I have coming up, she was previously transferred.

From: James Galmore [mailto:james.galmore@hgcddefender.org]
Sent: Monday, October 29, 2012 11:04 AM
To: Holford, Josh
Cc: Fox, Eric
Subject: Tonia Branton

This lady is charged with 2 marijuana distributions and a PWID marijuana. Can you do PTI or drug court for her? This was a sale to a family friend of over 20 years who happened to be wearing a wire (I guess he was working off charges of his own). As you can see from the search warrant, there were no other drugs involved, just some pot. Also, she did not hassle the cops (she actually gave them the tin of weed and unbeknownst to her, her 17 year old son had a bag of seeds in his room). She wasn't selling the stuff for a living; she thought she was helping out a family friend.

Ms. Branton has 7 kids. She has a stable job as a cashier at Big Lots (3 years), and she has no prior record. She just recently paid off her trailer, and the family is in the process of renovating it. She is trying to keep her record clean so

that she doesn't lose her job. Take a look at it, talk to the cops, and let ERIC know what you can do for her. Her next court date is November 30th. Thank you in advance for your consideration.

All e-mail correspondence to and from this address may be subject to public disclosure under the South Carolina Freedom of Information Act (FOIA). This correspondence is intended exclusively for the individual or entity to which it is addressed and may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure.

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Witness - Branton - Pending Charges

Represented by our office & prosecuted
by state

If her ID is solid - by I cross
raise issue matter of law.