

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
COURT OF GENERAL SESSIONS

Appellate Case No. 2012-213631

RECEIVED

JAN 11 2016

SC Court of Appeals

Edward B. Cottingham, Circuit Court Judge

Case No. 2012-GS-26-00859
Appellate Case No.: 2012-213631

The State, Respondent,

v.

Rickey Mazique, Appellant.

SUPPLEMENTAL RECORD ON APPEAL

ALAN WILSON
Attorney General

DAVID A. SPENCER
Senior Assistant Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

JIMMY A. RICHARDSON, II
Solicitor, Fifteenth Judicial Circuit
Post Office Box 1276
Conway, SC 29528

ATTORNEYS FOR RESPONDENT

J. Falkner Wilkes (SC Bar #12893)
114 Whitsett Street
Greenville, SC 29601
(864) 282-1292
(864) 271-6035 (facsimile)

Counsel for Appellant

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CLERK OF COURT



MELANIE HUGGINS-WARD

CLERK OF COURT
1301 2ND AVENUE
CONWAY, SC 29526
(843) 915-5080 • Fax: (843) 915-6081

November 7, 2012

Rickey Mazique
B1031177409
4150 J. Reuben Long Avenue
D-1 102-B
Conway, SC 29526

Re: Motion to Relieve Counsel
Motion for Reconsideration

Dear Mr. Mazique:

This is in response to your letter regarding the above reference.

These motions were filed and transferred to the Solicitor's office with copies returned to you showing they were transferred to the Solicitor on September 19, 2012. Also notice of motion and motion to dismiss for failure to prosecute filed by the Melinda Knowles August 27, 2012 in the event you did not get a copy of this.

I will forward a copy of the motion to relieve counsel to the Public Defender's office.

Sincerely,

Melanie Huggins-Ward
Horry County Clerk of Court

Rickey MAZIQUE # B1031177409
4150 J. REUBEN LONG AVE D-2 132B
CONWAY, SC 29526

OCT. 25, 2012

Mrs. MELANIE Huggins-Ward
CLERK OF COURT of Horry County
P.O. Box 677
CONWAY, SC. 29528-9677

FILED
HORRY COUNTY
OCT 29 PM 4:30
MELANIE HUGGINS-WARD
CLERK OF COURT

Re: Requesting Notice

DEAR Mrs. Ward

I forward you this request to please serve a copy of my motions to Retire Counsel and Motion for Reconsideration filed with you on Sept. 14 2012 on Judge Larry B. Hyman Jr. and ~~Jane E. West~~ of the Public Defenders Office. It is obvious that my attorney has not received my motion to have her removed as counsel due to her motion filed on my behalf filed with you on Oct 23, 2012 and the fact that I haven't received a trial and appeal appearance on my motions. So I would like to give them notice of these pending motions. I would also like for you to place this request on your file. I thank you in advance.

With kindest regards
I remain

Rickey Mazique

STATE OF SOUTH CAROLINA
CITY OF HURRY
STATE OF SOUTH CAROLINA

FILED IN THE COURT OF GENERAL SESSIONS
HURRY COUNTY
DEPT OF CORRECTIONS

TELANIE HUGGINS
CLEAR OF COL

-VS-

FOR A MOTION TO RELIEVE
COUNSEL FOR INEFFECTIVE
ASSIGNMENT OF COUNSEL

STEVEY PATRICK
Petitioner

TRANSFERRED
TO

WILLIAM B. STEVEY, JR.
Attorney

SEP 16 2012

JULIUS ROY'S OFFICE

I would like to state that I am a (South Carolina) Resident and I am a member of the South Carolina Bar. I have been practicing law for over 10 years and I have been admitted to the high standards of an qualified attorney. Petitioner contends that his attorney has provided ineffective assistance for the following reasons:

(1) Upon being assigned as my attorney, and before consulting with me, counsel waived my right to my preliminary hearing. I've never consented to this waiver, and the act of waiving my constitutional right, to remain free until I am found guilty is a violation of my rights. I was told to the magistrate judge is my attorney to waive a right that by law, could only be waived by me.

(2) Petitioner's attorney had knowledge that the detective committed a crime to get me arrested but I was not... (text is partially obscured)

Not Commit, AND REFUSE TO REPORT THE CRIME TO THE PROPER AUTHORITY, THE SOLICITORS OFFICE HAS TOOK NOTICE OF THE CRIME, AND COMMITTED A LAWLESS ACT TO COVER-UP THE DEFECTIVE CRIME. PETITIONERS ATTORNEY TOOK NOTICE OF THIS CRIMINAL ACT, AND MADE AN ATTEMPT TO COVER-UP FOR THE SOLICITORS LAWLESS ACT BY TELLING ME THAT THE SOLICITORS OFFICE CAN DIRECTLY INDICT. PETITIONER SHOWED HIS ATTORNEY THE DOCUMENTS THAT CLEARLY ESTABLISH THAT THE ACTIONS WERE NOT A RESULT OF A DIRECT INDICTMENT, AND HIS ATTORNEY STILL REFUSE TO ACT.

(3) PETITIONER REPEATEDLY INFORMED HIS ATTORNEY ABOUT A RULE 3 VIOLATION COMMITTED BY THE SOLICITORS OFFICE AND REQUESTED THAT A WRIT BE FILED FOR LACK OF JURISDICTION, AND PETITIONERS ATTORNEY REFUSED TO ACT, COMPELLING PETITIONER TO MAKE AN ATTEMPT TO FILE THE WRIT PRO-SE, THE WRIT WAS RECEIVED BY THE SUPREME COURT AND STAMPED BUT FORWARDED THE WRIT TO MY ATTORNEY, THIS COMPELLING PETITIONERS ATTORNEY TO NOW ACT. MY ATTORNEY TOLD ME THAT SHE WOULD FILE THE MOTION, HOWEVER, MY ATTORNEY FILED A MOTION FOR A SPEEDY TRIAL VIOLATION AND MADE THE ATTEMPT TO BRING ME INTO THE COURT, I EXPLAINED TO MY ATTORNEY THAT THIS WAS NOT WHAT WAS TOLD TO ME, AND AS A RESULT SHE WITHDREW THE MOTION, AND AGAIN TOLD ME THAT SHE WOULD FILE MY WRIT I INSTRUCTED HER TO CHANGE THE LACK OF JURISDICTION FROM THE SHERIFF TO THE COURT. I RECEIVED IN THE MAIL A LETTER INFORMING ME THAT A WRIT IS POST CONVICTION AND THAT SHE TOOK THE BEST COURSE OF ACTION BY REQUESTING ME A 'COND'. I OBJECTED TO THIS ACTION. I ALSO INFORMED HER THAT THE WRIT THAT I FILED WAS INVOLVED UNDER ARTICLE 2, SECTION 9 OF THE

United States Constitution. And that this was not raised under the Congressional created post conviction Habeas Corpus, Petitioner Attorney filed a Motion for failure to prosecute under Rule 3. And instead of consulting with me before going into the court, called me into the court and ambushed me, presenting the motion instead of the writ and changed the issue from jurisdiction to failure to prosecute. Then poorly argue the motion. Petitioner's Attorney opened up to the court by stating that this motion was being presented per defendant's request making it clear that she was not initiating this motion. A careful review of the motion establishes that my attorney had no interest in arguing this motion. She raised point (5) in the motion but never argued the jurisdictional point orally. And allowed the court to find that the indictments were timely despite the solicitor admitting to returning the indictments untimely. Petitioner's trust has been broken by his attorney's actions. The said 5th and 6th Amendment violations has rendered Petitioner's Attorney ineffective.

(4) Under well established case law, claims of ineffective assistance of counsel when raised post conviction, the petitioner bears the burden of establishing the two prongs, that is cause and prejudice. However, before conviction the petitioner only bears the burden of establishing a constitutional violation or any other reason that might create a conflict between attorney and client. Here counsel deficient performance from the very beginning by waiving petitioner's right to his preliminary hearing, and repeated attempts to refuse to report crimes committed to have petitioner charged and prosecuted has broken the trust and the line of communication has closed. Petitioner no longer has any trust in his attorney.

(5) PETITIONER HAS OTHER ISSUES THAT CANNOT BE EXPOSED AT THIS TIME. HOWEVER, PETITIONER CONTENDS THAT HE HAS PUT FORTH ENOUGH TO HAVE COUNSEL RELIEVED, PETITIONER IS ALSO COMPELLED TO FILE HIS OWN MOTION FOR RECONSIDERATION, FOR REASONS SET ABOVE. AND I'M COMPELLED TO DO SO WITHOUT THE TRANSCRIPTS FROM THE HEARING HELD ON SEPT. 7, 2012, WHICH CLEARLY ESTABLISH THAT A RULING WAS RENDERED DESPITE THE SOLICITOR HAVING ADMITTED TO VIOLATING THE COMMANDS OF RULE 3 OF THE S.C. RULES OF CRIMINAL PROCEDURES AND PETITIONER ATTORNEY SAID NOTHING.

(6) THEREFORE IN THE INTEREST OF JUSTICE AND TO PREVENT ANY FURTHER VIOLATION OF PETITIONERS 5TH AND 6TH AMENDMENT RIGHTS PETITIONER RESPECTFULLY REQUEST THAT COUNSEL BE RELIEVED.

RESPECTFULLY SUBMITTED.

Rickey Marjue.