

State of South Carolina  
Vincent Rice #JL6178  
Appellant

v.s

State of South Carolina  
Respondent

In The State South Carolina

Motion

to

C/A: 2015-502479

Relieve Counsel

Appellant moves before this court to relieve counsel Lanelle Durant from the above case matter in accordance to rule (240) in the S.C. court of Appeals rules of Court. The Appellant did receive a letter from this court in 2017, informing him that it would not accept any motions from him due to Hybrid Representation.

Appellant is compelled to assent this interpretation is a violation of his right to self-representation per the Bill of Rights and also Section 35 of the Judiciary Act of 1789, St. 73.41, 28, U.S.C 1654, "in all the courts of the United States, the parties may, plead and manage their own causes personally or by assistance.

The Appellant supports the fundamental grounds of his motion due to the following:

1.) Counsel Durant indicated her disposition of this case when she submitted her own motion to be relieved as counsel, without speaking with Appellant in advance. This motion was filed and submitted well over a year ago on August 3, 2014, and has yet to be ruled on. This has kept justice from Appellant's reach. Counsel Durant has consistently defied Appellant's wishes to file motions, including a motion for bail/Appellate review. Mrs. Durant has stated she has no desire to stay on this case because, "The courts will not rule in his favor!" This is to the detriment of Appellant because he did not request or seek the assistance of Counsel Durant.

2.) Appellant assents the Hybrid Rule, severely causes him harm and prejudice as an individual. Appellant is compelled to rely on the language in Faretta v. California U.S. Ct No. 73-5772 (1975), "stated in another way, the question is whether a state may constitutionally take a person into its criminal courts, and there force a lawyer upon him, even when he insists that he wants to conduct his own defense. It is not a easy question, but we have concluded that a state may not constitutionally do so.

RECEIVED

AUG 17 2017

SC Court of Appeals

The Court in Faretta further emphasized, "To force a lawyer on a Defendant can only lead him to believe that the law contrives against him. It is not inconceivable that in some rare instances, the Defendant might in fact present his case more effectively. The right to defend is personal. His decision must be honored out of respect for individual which is the "the blood of the law".

and further, "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 decision, is to impair the worth of great constitutional safeguards by treating them as empty verbalisms.

The Appellant also relies on the additional case law;  
Maldonado v. Penno 348, F.2d.

330 F.2d at 274 a.

In conclusion, the Appellant prays this motion is accepted and granted in the interest of protection the basic ~~rights~~ constitutional rights.

Respectfully Submitted



State of South Carolina

Vincent Rice

Appellant

v.s

State of South Carolina

Respondents

In the Court of Appeals

e/A: 2015-002479

Affidavit

I, the Appellant Vincent Rice being duly sworn do state and attest that my statements are true and correct. This stage of my appeal is considered discretionary, therefore I did not request, seek nor insist to receive assistance from any attorney let alone Counsel Durant. She was voluntarily appointed by the state, and once appointed she immediately claimed I had no issues and filed to relieve herself as counsel, I disagree with her analysis completely, but can not fully get the facts into the court, though I weigh the burden of confinement.

I do state and affirm this day that I want to continue my appeal without the assistance or the lack of it from Counsel Lennelle Durant. She has informed me, "that I might as well do the time" because 2019 is around the corner, and that at least I didn't get 140 years" "her office does not practice doing matters for inmates" and "just point blank no she won't do it". It is for these reasons and a number of others that Appellant wishes to pursue justice by his individual power and will without the state opposition of constitutional barriers, termed Hybrid Reversion tactics. I should not be a hybrid but the true lifeblood of the law.

RECEIVED

AUG 17 2017

SC Court of Appeals

# Certificate of Service

I, Appellant Vincent Rice did forward a copy of a Motion to Relieve Counsel to the following address on this day of Aug 14, 2017

Attorney general Alan Wilson  
P.O. Box 11549  
Columbia, S.C. 29211

**RECEIVED**

AUG 17 2017

SC Court of Appeals