

6
LETTER IN RESPONSE TO
MOTION TO BE RELIEVED OF COUNSEL

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
COURT OF GENERAL SESSIONS
J. JOHN C. HAYES, III

2017-001659

STATE OF SOUTH CAROLINA,
RESPONDENT,
V.

RECEIVED
JAN 05 2018
SC Court of Appeals

DEAN A. HOLCOMB,
APPELLANT,

TO: THIS HONORABLE COURT, DONALD L. SMITH,
RUSSELL D. GHENT, ALAN M'CORY WILSON & JOHN
BENJAMINI APLIN.

YOU WILL PLEASE TAKE NOTICE THAT THE
APPELLANT RESPECTFULLY ASKS THE COURT TO
CONSIDER HIS REASONS FOR OPPOSITION TO COUNSEL'S
MOTION TO BE RELIEVED.

I. AT THE SENTENCING PHASE OF THE TRIAL I STATED "I WANT AN APPEAL" TO WHICH JUDGE HAYES SAID SOMETHING TO THE EFFECT OF "MR. HOLCOMB, I SUSPECT YOU HAVE MORE APPEALS THAN THE WHITE HOUSE CHRISTMAS TREE HAS ORNAMENTS". I ALSO INSTRUCTED COUNSEL TO FILE AN APPEAL WITHIN 10 DAYS FOR THE CONVICTION. MR. SMITH FAILED TO FILE AN APPEAL AS INSTRUCTED BUT FILED AN APPEAL ON THE ISSUES HE PRESERVED VIA OBJECTION(S).

II. AT NO POINT HAS MR. SMITH INFORMED ME OF THE PRESENT APPEAL, I LEARNED OF THE APPEAL BY WRITING THIS COURT'S CLERK'S OFFICE FOR A COPY OF THE FILE, HOWEVER, SMITH SPOKE WITH MY SISTER ABOUT FILING THIS APPEAL AND HAS BEEN FAITHFULLY PAID, AS AGREED, MONTHLY.

III. IT IS TRUE THAT I FILED A COMPLAINT AGAINST MR. SMITH WITH THE OFFICE OF DISCIPLINARY COUNSEL BUT WITHDREW THE COMPLAINT AFTER READING THE MOTIONS

CURRENTLY ON APPEAL BEFORE THIS COURT. I AM IMPRESSED WITH MR. SMITH'S ARGUMENTS AND AM SUPREMELY CONFIDENT IN A FAVORABLE RULING FROM THIS HONORABLE COURT VACATING MY CONVICTIONS AND GRANTING ME A NEW TRIAL.

IV. IT IS MY UNDERSTANDING THAT SHOULD THIS APPEAL FAIL, MR. SMITH COULD THEN FILE A NOTICE OF APPEAL ON THE ISSUES I PRESERVED FOR APPEAL WHILE ACTING PRO SE.

V. MR. SMITH WAS MADE AWARE OF DESIRE FOR HIM TO BE RELIEVED AS COUNSEL AS STATED ON PAGE 2 OF HIS MOTION TO BE RELIEVED ON THE LAST DAY OF TRIAL YET HE IGNORED ME AND PRIVATELY SAID THAT I WAS "INSANE AND HAVING A BIPOLAR MANIC EPISODE. IN FACT, AFTER BEING MOVED TO SCDC TO BEGIN MY SENTENCE I WAS TRANSFERRED TO THE GILLIAM PSYCHIATRIC HOSPITAL FOR SEVERAL MONTHS AGAINST MY WILL. HOWEVER, I AM GRATEFUL CURRENTLY BECAUSE OF THE STABILIZING EFFECTS OF THE MEDICATIONS.

VI. I BELIEVE THAT IF MR. SMITH WAS TO BE BELIEVED OF THIS CASE AT THIS TIME WOULD CAUSE UNFAIR DELAYS TO THE VACATING OF MY SENTENCE.

VII. I HAVE SPOKEN WITH KATHERINE HUDGINS WITH APPELLATE DEFENSE ON THESE MATTERS AND SHE AGREES THAT BELIEVING MR. SMITH AT THIS TIME WOULD CAUSE DELAYS. MR. SMITH INITIATED THIS APPEAL AND SHOULD COMPLETE THIS APPEAL.

VIII. MS. HUDGINS IS MY ATTORNEY IN APPEAL 2016-001927.

IX. I ALSO DO NOT THINK IT IS FAIR FOR MR. SMITH TO QUIT AFTER 6 MONTHS OF PAYMENTS MADE ON-TIME AS AGREED TO A BALANCE OF A FEW HUNDRED DOLLARS PAID BY MY FAMILY AT A HARDSHIP.

FOR THE ABOVE REASONS I OPPOSE MR. SMITH BEING BELIEVED.

RESPECTFULLY, Dean A. Holcomb
4 of 4 1-2-2018

JAN 2, 2018

Dean A. Holcomb

#369696

TYGER RIVER CORRECTIONAL

200 PRISON ROAD

ENOREE, SC 29335

RECEIVED

JAN 05 2018

SC Court of Appeals

THE HONORABLE JENNY ABBOTT KITCHINGS

CLERK OF COURT, SC COURT OF APPEALS

P.O. BOX 11629

COLUMBIA SC 29211

RE: THE STATE V. DEAN A. HOLCOMB

CASE #2017-001659

DEAR MS. KITCHINGS,

PLEASE FILE ENCLOSED "LETTER IN
RESPONSE TO MOTION TO BE RELIEVED
OF COUNSEL." I ASK THAT YOU FORWARD
COPIES TO THE FOLLOWING:

DONALD SMITH - 122 N. MAIN ST ANDERSON 29621

RUSSELL GIBENT - SPARTANBURG SOLICITOR'S OFFICE

ALAN WILSON - S.C. AG'S OFFICE

JOHN APLIN - S.C. AG'S OFFICE

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SINCERELY,

Dean R. Holcomb

ENOREE, SC

JAN 2, 2018