

The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
Post Office Box 11330
Columbia, South Carolina 29211

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MAR 12 2018
SC Court of Appeals

IN RE: Dennis M. Temple v. STATE of South Carolina
Appellate Case No. 2016-002254

Dear Mr. Shearouse:

My name is Dennis Temple. I am an inmate at Percy Correctional Institution of the South Carolina Department of Corrections.

In 2010, I was falsely imprisoned and maliciously prosecuted in Oconee County. A pre-dominantly all white jury found me guilty of the charges. The trial judge sentenced me to 100 years in prison.

On September 28, 2012 my appellate attorney, Wanda H. Carter of the South Carolina Commission on Indigent Defense filed an Anders brief on my behalf on direct appeal in the South Carolina Court of Appeal, see, STATE v. Dennis Temple, Appellate Case No. 2011-182806. My appellate

Appellate Case NO. 2011-182806. My appellate counsel argument was stated as the follows:

ARGUMENT

" The trial judge erred by what was in effect coercing appellant to appear pro se at trial because although he waive his right to counsel prior to trial; ultimately, he rescinded that waiver after the jury was selected and re-asserted his right to counsel by requesting the representation of appointed counsel for his trial.

My concern is this - the argument my appellate counsel present to the South Carolina Court of appeals was a dead bang winner. A Judge can not force a criminal defendant to represent himself during a Jury trial. However, the South Carolina Court of Appeals dismissed my appeal on September 11, 2013.

On October 15, 2013 I filed a Post-Conviction Relief application in Oconee County. The PCR was dismissed on October 24, 2016. A Notice of appeal was timely filed on all parties.

Sometime in March 2017 I was contacted by a attorney, Taylor Gilliam of the South Carolina Commission on Indigent defense. Mr. Gilliam informed to me that he will be the appellate defender that will draft and file a petition of writ of Certiorari on my behalf in the South Carolina Supreme Court. see. Dennis M. Temple v. STATE OF SOUTH CAROLINA, Appellate NO. 2016-002254. This appeal was submitted to your court on August 2, 2017. However, Chief Justice Donald Beatty issued a order on October 30, 2017 which transfered my appeal back to the South Carolina Court of Appeals to be reviewed and decided.

It is a fact that the South Carolina Court of Appeals dismissed my direct appeal in 2013. The issue that was presented to the court of appeals should have gotten my direct appeal overturned. But it did not because the South Carolina Court of Appeals did not even review it and ordered a dismissal of the appeal.

As of now, based upon the evidence and facts presented herein, I strongly feel that the South Carolina Court of Appeals is not going to review my present appeal. The Judges will just issue a order to dismiss my appeal without even reviewing it.

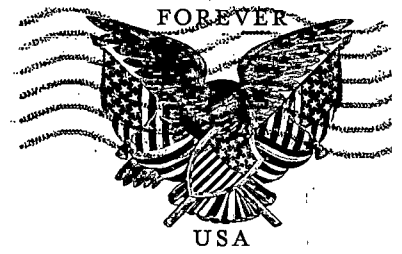
March 7, 2018

Dennis M Temple
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430 Oaklawn Road
20100

Mr. Dennis M. Temple, SCDC # 274802
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