

TO Brenda Shealy  
SC Supreme Court  
PO Box ~~11330~~ 11330  
Colo SC 29211  
lower case # 2011 CP 08-2266  
Appellate case # 2015 001616

Dear clerk,

Enclosed is a copy of a motion to relieve counsel, please have these documents filed and send me a notice that this document was filed and have Mr. Pachak send my transcripts, thank you, please send me a copy of these documents.

SI Anthony Burtz  
Anthony Burtz  
PCA ~~11330~~ 11330, RM 28  
430 Oaklawn Rd  
Peters SC 29669

Date November 29<sup>th</sup> 2015

RECEIVED

DEC 03 2015

S.C. SUPREME COURT

IN THE SUPREME COURT OF SOUTH CAROLINA

Anthony Brooks  
Petitioner

CERTIFICATE OF SERVICE

v.

STATE OF SOUTH CAROLINA  
Respondent

lower court case # 2011 CP 08 2266  
Appellate court # 2015-00160

I hereby certify that I have served upon the clerk of court of the Supreme court Daniel E Shearhase (1) motion to relieve counsel in the above case by placing a copy of the same in the united states mail first class postage pre paid addressed as follows.

S.C. Supreme court  
PO Box ~~11338~~ 11338  
Columbia SC 29211

this 29th day of November 2015 in Pelzer SC 29669

S/ Anthony Brooks

Anthony Brooks 31300  
PCI C-OREMUM AO  
430 Oaklawn Rd  
Pelzer SC 29669

I declare under penalty and Perjury that the foregoing is true and correct this 29th day of November 2015

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DEC 03 2015

S.C. SUPREME COURT

IN THE SUPREME COURT OF SOUTH CAROLINA **RECEIVED**

Altony Brooks  
Petitioner

VS.

STATE OF SOUTH CAROLINA  
Respondent

lower court- 2011-CP082266

DEC 03 2015

Case# Appellate court 2015-001610

MOTION TO RELIEVE ~~CASIS~~ SUPREME COURT  
AND APPOINT New counsel due  
To Existing conflict of interest etc

Petitioner Altony Brooks moves to relieve counsel Robert Pachak as to existing conflicts of interest, denial of providing transcripts of hearing dates September 18<sup>th</sup> 2013 before Judge Young, November 20<sup>th</sup> 2013, Per hearing before Judge Stephanie McDonald, August 8<sup>th</sup> 2014 Per hearing before Judge Thomas Cooper and April 22<sup>nd</sup> 2015 per hearing before Judge W. Jeffery Young. Mr. Pachak has received these transcripts and has failed to send them to me upon my request disallowing me to participate in my appeal, in violation of rules 407 Professional conduct of Appellate court rules.

Mr. Pachak has failed to retrieve the tapes of the proceeding and notice my objection filed in the Berkeley county clerk of court, objecting to the validity of the transcript compelling the tapes for appeal purposes, due to potential conspiracy of fabrication of the transcript and dubbing of the tapes.

In Mr. Pachak letter he stated when I file your petition, I will send you a copy of all relevant hearing transcripts and material in the form of an appendix, as this shows that Mr. Pachak's intent is to file the writ of certiorari to the court without my participation, he then went on to say that letters asking the status of your case do not speed up the process. This remark is a direct comment to me requesting for my transcripts, moreover, I filed a petition for bail that has not been ruled on, a motion to intervene, and a discharging bond along with a motion for expedited relief. Mr. Pachak has not objected to the transcript and he alleges, in addition, the issue must have been ~~addressed~~ addressed in the PCL court's order of dismissal, Mr. Pachak knows that petitioner filed a motion to amend the order of dismissal that was filed with the lower court of Berkeley county on March 14<sup>th</sup> 2015 see exhibit A that has not been ruled on, thus the judgement is not final for him to appeal. secondly, Mr. Pachak has been notified through documents that

I filed a brief 59 E motion to alter or amend denial of summary judgment and a 50 P9 brief in the lower court of Berkeley that the clerk failed to file that was UPS mailed on Mar 19<sup>th</sup> 2018, he also failed to file a rule 60 A and B motion to have the clerk file these documents with the court.

Mr. Pachak knows that Plaintiff has claims of ineffective assistance of Appellate Counsel usanda H Carter for not preserving his serious bodily injury argument for Appeal due to the trial court denying the Jury request for a definition, As there's a conflict of interest because him and Ms. usanda Carter works in the same office.

Mr. Pachak has not filed a motion to leave to file these motions, in his letter sent November 16th 2018 he allege that the decision about what issues to submit is his, As this shows he feels and believes that I have no right to control my destiny, In fact the supreme court shall do a de novo review of this case as conspiracy is abroad, the record clearly shows that the prosecution presented a doctor that swears a favor to lie to the jury to allege James warren Taylor the allege victim had a orbital fracture when the South Carolina Attorney Generals office, Berkeley county solicitors office or no one has x-rays, ct scans, mris or any material evidence to substantiate the testimony of Dr Timothy Barton OSBON, See exhibit A showing no x-rays or ct scans exist,

Mr. Pachak has a duty to report this unethical conduct and he has not done so, so his assertion that this case ~~will~~ will take "along period of time" is a mere fact of conspiracy, as Jackie Allen Mastantius, James E courtney Berkeley county solicitors knowingly produced this "perjured testimony" and the Judges are acting in a miscarriage of justice proving I procedural default so I wouldn't exhaust my administrative remedies, and is why all my motions I filed in the lower court requesting the clerk to forward to the attorney Generals office and Judge W. Jeffery Young and Thomas Coster a copy the cover letters requesting this service was not filed, As I explained I could not comply with service and time requirements because Lee county ~~did not~~ correctional denied me copies to send my documents.

Instead the clerk VW and T3M filed the certificate of services and not the cover letters, on my motion to set aside judgement of order to release

counsel see exhibit B my motion to challenge the validity of transcripts see exhibit C my motion to alter or amend the judgment of order of dismissal see exhibit A my objection to proposed order see exhibit D

Moreover Berkeley county clerk of court and Rutledge Johnson conspired to falsify the record - "Example" Attorney General Josh Thomas drew up the proposed order on April 27, 2015. I received the proposed order on May 1st 2015. I immediately filed the objection requesting Judge W. Jeffery Young to draw up his own dismissal and to exclude Josh Thomas false facts on May 1st 2015. On April 22nd 2015 I sent a objection to the validity of the transcripts of all the P.C.R Proceedings and a request to not destroy the tapes for appeal purposes, the clerk with the initials T3M did not file it until May 8th 2015 at 2:59 PM.

On May 5th 2015 at 3:39 PM is when the clerk of court of General Sessions Berkeley county initials T3M filed the objection to the proposed order of dismissal, in these instances Plaintiff never received a clock date stamp copy showing the proposed order was filed.

On May 11th 2015 Lance S. Boozer sent me a order signed allegedly by Judge Young with no clocked dated stamp copy showing it was filed. On July 1st 2015 I requested Daniel E. Shearhouse to send me a copy of the order signed clocked dated stamped and copied since he said he retrieved it and he did not respond.

On October 14th 2015 I wrote the clerk of court of Berkeley county and requested the alleged order of dismissal and the clerk of court with the initial VB sent a clocked date stamp copy of the order of dismissal with the date May 8th 2015 at 3:23 PM. This clocked date stamp ~~is~~ is different than the other stamps,

She also sent a cover letter with Attorney General J. Rutledge Johnson name and signature dated May 11th 2015 alleging a copy of the original signed order of dismissal has been sent requesting filing with a carbon copy to Lance S Boozer,

However, the clerk allegedly clocked this dismissal before my objection in conspiracy to obstruct justice, as it takes 3 or more days for mail to

be mailed from Columbia to Berkeley County:

The Attorney General J. Rutledge Johnson allege he sent the order of dismissal on May 6th 2018 because Plaintiff certificate of service states he sent his objection to the proposed order on May 5th 2018, so the clerk could allege she filed the order of dismissal on the 8th of May 2018 the same day Plaintiff filed his objection to the proposed order.

As Plaintiff objection to the order of dismissal has the clerk T3M initials and its clocked at 3:39 PM, in these instances the order of dismissal is clocked at 3:33 PM. with the clerk VB initials with a different clocked stamp dobber, As shown Petitioner objection was at the court before the order of dismissal.

and in a clandestine manner the clerk initial VB re dated the clocked date stamp. In these instance Rutledge Johnson allege he sent Lance S. Boozer a copy of the signed order, the essential point is Josh Thomas filed the proposed order not Rutledge Johnson, and Mr. Johnson is a new appearance, As Mr. Johnson allege he sent the signed order to the clerk May 6th 2018, if this is the case it wouldn't have reached Berkeley County clerk of court until May 9th 2018 in three days.

As this shows conspiracy to deny Plaintiff of his rights to exhaust his procedural remedies by placing the above signed order before Petitioner objection intentionally falsifying documents.

See counsels should keep in mind that courts will often ask the prevailing party to prepare an order, when this occurs, counsel should object to allowing the attorney general's office to prepare the written order on the basis that this practice is disfavored by the South Carolina Supreme court, particularly in capital cases, and it greatly increases the chances that the order will fail to make appropriate and specific findings of fact with respect to each issue presented. The supreme court has said that it strongly encourages PCR Judges to draft their own findings of fact with respect to each issue presented. The supreme court has said that it strongly encourages PCR Judges to draft their own findings of fact and conclusions of law in death penalty cases  
Hall v. Cathe, 601 S.e2d 335, 341 (SC 2004)

Even if the objection is overruled and the court request the prevailing party to draft the order, the court may only do so if the other parties are apprised of the request and are given the opportunity to respond to the proposed ~~and~~ findings and conclusions. Id at 341 Quoting S.C. Appellate Rule 501, Canon 3B7 (e)

Counsel preparing proposed orders should be meticulous in doing so, opposing counsel should call out omissions to the attention of the P.C.R. Judge prior to issuance of the order, and the P.C.R. Judge should carefully review the order prior to signing it. Even after an order is filed, counsel has an obligation to review the order and file a rule 59(E) SCRCF motion to alter or amend if the order fails to set forth the findings and reasons for those findings as required by § 17-27-86 and Rule 52(a) S.C.R.C.P., Pruitt, 423 S.E.2d at 128 see Marlar, 653 S.E.2d at 267, Hall 601 S.E.2d at 391.

As Shash Petitioner filed a rule 59 E motion to alter or amend on Nov 12<sup>th</sup> 2015 to the alleged dismissal due to no conclusion of law or findings of fact to the relieve counsel dismissal, moreover, Plaintiff advised Mr Rutledge to file a rule 60 B motion for leave of the court to file a affidavit on behalf of Plaintiff and the 60 B motion for misconduct of Lance Bozler for removing his witnesses from the court when he was told to leave the court and the court dismissed the case for failure to prosecute, as exhibit A shows that Mr Greene testimony was favorable and would have showed that she sent letter of inquiries to the SC Attorney General Ashleigh Rayanna Wilson Jackie Alton Mastantuno Berkeley county solicitors office requesting James Warren Taylor x-rays at SCMS so we could have a expert review them and none of south carolina agents responded making a prima facie showing that James Warren Taylor ~~was~~ never suffered a orbital fracture and the prosecutors produced perjured testimony before a jury that James Warren Taylor had a orbital fracture to convict Petitioner constituting prosecutorial misconduct.

As stated in State v. Jones 270 S.C. 587, 243 S.E.2d 461 while an applicant may have the right to reject or discharge court appointed counsel and proceed pro se or retain his own counsel, he does not have the right without a showing of satisfactory case to refuse or dismiss the counsel appointed and have other counsel appointed.

As my <sup>Argument</sup> brief included a S2(a) motion to amend the Judgment and was sent to the court on May 18, 2015, as well as on April 28<sup>th</sup> 2015 however, on April the court failed to file it see exhibit E and on May 18<sup>th</sup> 2015, I sent it again without having any clocked date stamp copy and being put on notice May 14<sup>th</sup> 2015 by Lance S. Boozer via mail, I filed the S2(a) motion and S9 E motion to have my entire brief submitted to the courts that the courts would not file in conspiracy to cause me to Procedural default my claims and is why I directed Appeal counsel

Mr. Rutledge to file a subpoena duces tecum to subpoena the documents to the Appellate court and file a motion to compel and have these documents produce and to simply file a rule 60(a) motion for clerical mistakes to have my documents filed such as my S9 E brief and S9 E and S2(a) motions as articulated and shown in this Motion, see exhibit E showing S9 E brief S2(a), S9 E motion was sent May 18<sup>th</sup> 2015, see exhibit G showing S9 E motion to alter or amend denial of counsel with no conclusions of law sent 5/22/15, see exhibit H Attorney General Rutledge Johnson alleging he sent the order of dismissal on May 6<sup>th</sup> 2015.

Moreover, I've complied with the rules of civil procedure and what we have here is a coverup by Governmental officials as in Christopher v. Harbury, 536 U.S. 403, 414, 416 n.13, 122 S.Ct. 2179 (2002) Christopher was not a prisoner case, and it referred to a case which was tried to an inadequate result due to missing or fabricated evidence in an official coverup, rather than a dismissed or not filed because of inadequate law library access or other prison shortcomings

In Christopher Plaintiff argued that intimidating witnesses and destroying evidence would impair the ability to recover damages for conscious pain and suffering and punitive damages, As explained Lance S Boozer intimidated my mother to the point she didn't want to testify as he told her I could get more time and serve the 12 years over to the point my sister cried, As he badgered my witness Ms. Greene and asked her did I commit the crime and that she could go to jail for knowingly lying, Ms Polzin badgered the H truck secretary to not testify in my behalf that I was at work she told the secretary she could go to prison if she testified on my behalf,

due to these grounds and more Petitioner is entitled to a new counsel and compelling of the tapes, and the cover up, is to prevent the state of South Carolina from liability due to Jackie Allen Mastantano, James E Courtney, conspiracy to present fraudulent testimony at a sham trial from Dr. Timothy Barton Osborn that James Warren Taylor suffered an orbital fracture before a jury to convict, knowing that these allegations is false and is why Judge Young dismissed the case without entertaining plaintiff motion for summary judgment and is why the Berkeley county clerks have not filed plaintiff's motions to alter or amend the judgments and serve process on the judges, Jeffery Young, Thomas Cooper, attorney General Ashleigh Ralanna Wilson, Josh Thomas and the SC Supreme court upon Petitioner's request and on these grounds Plaintiff moves to have counsel Mr. Pachak removed and other non adversarial counsel appointed as Plaintiff has filed civil suit on Mr. Pachak that is going through screening.

I swear under penalty and perjury that the foregoing is true and correct this

day of \_\_\_\_\_ 2015 in Petzer SC 29669

SP Alan Brooks

Alan Brooks

PCI 028

6309 Klawns Rd

Petzer SC 29669

Anthony Brooks 313000

PCI c Dorm RM 20

430 oaklawn Rd

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AMS

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NOV 3 0 2015

PCI Mailroom

SC ~~11330~~ SUPREME COURT

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Columbia SC 29211