

The Honorable Jenny A. Kitchings
Clerk of Court, S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

RECEIVED
MAY 17 2018
SC Court of Appeals

In re: State v. Derrick L. Furtick
Case No.: 2017-001236; SCDC No. #340355

Dear Ms. Kitchings;

Please allow this opposition to Appellate Defender's May 8, 2018 letter. In which he cited as a matter of policy, any results which would include substitution of Appellate Defenders, for another, on the grounds that a client disagrees with the selection of issues to be briefed. (citing Jones v. Barnes, 463 U.S. 745 (1963)).

Whereas, Mr. Gilliam's May 8, 2018 concerns, "whether or not to substitute counsel" is misplaced. And instead, should have answered with a viable reason for omitting a preserved issue for appellate review, even when asked to do so by the client.

For example, right here in South Carolina, case number 2014-001176, Ms. Tiffany Butler was assigned to perfect Missouri's appeal brief. She elected to forward a Anders as opposed to a merits brief. Over the telephone, and in writing. Missouri firmly disagreed with Ms. Butler's assessment of the case. Based primarily on her omittance of a central issue.

Missouri filed his pro-se brief outlining the issue Ms. Butler omitted. This court rejected Ms. Butler's brief, and "Ordered her to brief also, Missouri's issue". However, Missouri notified this Court yet again, based on "the potential for a conflict", seeing Ms. Butler and himself hotly disagreed with the selection of issues to be forwarded to the Court of Appeals.

Although Mr. Gilliam cited a 1963 case. Appellant Furtick only has to go to State v. Missouri (2017)(2014-001176), to demon-

strate his Appellate Attorney's concerns are misplaced, not binding on this Court. And works as a smoke screen to avoid giving a viable reason for not appealing the court's denial of the directed verdict, as to the kidnapping charge, within Mr. Gilliam's May 8, 2018 response to the Court.

For these reasons, Appellant remains to respectfully request new counsel, or at minimum, to allow Appellant to forward the issue himself, as this can be construed as permission for leave to file such, under the liberal notation of Haines v. Kerner, 404 U.S. 519 (1972)

In conclusion, Appellant's pro-se brief will be mailed under the circumstances remaining within South Carolina prisons, on or about May 15, 2018. Outlining only the issue to which counsel intentionally and arbitrarily omitted.

Respectfully Submitted,

/s/ Derrick Furtick
Derrick Lamont Furtick #340355
Lieber Corr. Institution
P.O. Box 205
Ridgeville, S.C. 29472

cc: Mr. Gilliam
filed
5/14/2018

CERTIFICATE OF SERVICE

I, Derrick Lamount Furtick, do hereby certify that I have mailed a true and correct copy of my response letter (From Mr. Gilliam's May 8, 2018 letter) to him at the below listed address on May 14, 2018, with adequate postage.

Under the circumstances, such was achieved by giving it to the prison officials for proper service.

Division of Appellate Defense
Attn: Taylor Gilliam
1330 Lady Street, Suite 401
Columbia, S.C. 29201-3332

RECEIVED

MAY 17 2018

SC Court of Appeals

/s/ *Derrick L. Furtick*
Derrick L. Furtick #340355
Lieber Corr. Inst. AA-62
P.O. Box 205
Cola., S.C. 29472

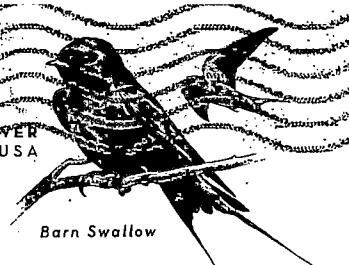
cc: filed
5/14/2018

Mr. Derrick L. Furtick #340355
Lieber Corr. Institution AA-62
P.O. Box 205
Ridgeville, S.C. 29472

CHARLESTON SC 294

15 MAY 2018 PM 1 L

FOREVER
USA



Barn Swallow

RECEIVED

MAY 15 2018

MAIL ROOM
LIEBER C.I.

SCDC
Christmas
Packet

The S.C. Court of Appeals
The Honorable Clerk
P.O. Box 11629
Columbia, S.C. 29211

RECEIVED

MAY 17 2018

SC Court of Appeals

29211+1629

