

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

RECEIVED

JUL 28 2017

Appeal from Oconee County

S.C. SUPREME COURT

Honorable Brooks P. Goldsmith, Circuit Court Judge

JAMES TINSLEY,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-001435

SUPPLEMENTAL
APPENDIX II

TAYLOR D GILLIAM
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ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
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SCCID

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender
Joseph L. Savitz, III, Senior Appellate

November 12, 2010

James Douglas Tinsley, #171943
Trenton Correctional Institution
84 Greenhouse Road
Trenton, SC 29847

Re: Your appeal

Dear Mr. Tinsley:

We are in receipt of your letter dated November 3, 2010. Your lawyer, Ms. Robinson, left this office to go into private practice. According to our records, your initial brief of appellant was filed on August 24, 2010. We are currently awaiting the filing of the respondent's brief by the state. We will send you a copy of the state's brief when we receive it.

If you are not satisfied with the representation of this office, you can make a motion to represent yourself and recall the filed brief. The Court will explain that this is a very dangerous thing to do, and will advise you not to do it. However, in the final analysis if in you understand the dangers and disadvantages of representing yourself, the Court will allow you to do that.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Robert M. Dudek
Chief Appellate Defender



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February 11, 2011

Mr. James Douglas Tinsley, #171943
Turbeville Correctional Institution
PO Box 252
Turbeville, SC 29162

Re: Appellant's Pro Se Objection to Counsel's Failure to Provide Effective Assistance of Counsel on Appeal.

Dear Mr. Tinsley:

Today, I received your pro se motion. Please be aware that the ineffective assistance of counsel argument you raised is not proper for direct appeal. As Mr. Dudek has explained to you:

"[Celia Robinson] raised the issue she thought, in her professional judgment as an appellate attorney, gave you the best chance of winning. Under Jones v. Barnes as the appellate attorney she had the duty and authority to decide which issue or issues to raise on appeal.

If you are not satisfied with her brief you can make a motion to relieve this office and represent yourself. The Court will warn you that this is a dangerous thing to do because you will be held to the rules of Court in the same manner as an attorney. However, after being warned of the dangers and disadvantages of self-representation you still want to represent yourself, the Court will probably allow you to do so. I think the wise course of action is for you to allow your direct appeal to run its course. If Ms. Robinson missed a **winning issue** for you on direct appeal, you can obtain relief later in PCR based on ineffective assistance of appellate counsel. I trust this helps address your letter. Please understand that amending the brief while represented by this office is **not an option**. We will proceed with your appeal until and unless you make a motion to relieve this office and to represent yourself. If you file such a motion the Court will direct that I file a return to that motion."



I respect the fact that you are conducting your own legal research, but at this time **I will not attempt to amend the brief.** Should the Court request, I would happily amend the brief, but I doubt that will happen. The essence of your motion concerns an issue that should be resolved on PCR. If you feel that you have been denied effective assistance of counsel, please make sure you raise your concerns in a PCR application.

At this point, we must just wait for the Court to review the briefs and decide on the issue. Unfortunately, this could take a year or more. If you feel like doing legal research for PCR, I would suggest directing your attention to the other issues in your case. Although I feel the "thief defense" may have enough merit to brief, I think the State has a very strong statutory interpretation argument. After all the cases you cite are primarily concerning the statute prior to 1993. I only say that because I would hate for you to put all your PCR hopes behind a single issue. If you have any other questions please don't hesitate to ask.

Sincerely,



Tristan Shaffer
Appellate Defender



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ORIGINAL

July 28, 2017

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JUL 28 2017

S.C. SUPREME COURT

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

Re: James Tinsley v. State of South Carolina
Appellate Case No. 2016-001435
Lower Court Case No. 2013-CP-37-0272

Dear Mr. Shearouse:

In accordance with this Court's Order dated June 13, 2017, please find enclosed for filing a Second Supplemental Appendix in the above-referenced case. Included in the Second Supplemental Appendix are two letters which were made an exhibit at the PCR hearing in the underlying case.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Taylor D Gilliam
Appellate Defender

TDG/tg
Enclosure

cc: Lindsey McCallister, Esquire