

JAMES A. GILES #264478

Tyger River C.I. UNIT 8-RM 227

200 Prison Road

ENoree, S.C. 29335

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APR 03 2019

S.C. SUPREME COURT

April 1, 2019

The Supreme Court of South Carolina

DANIELE E. SHEAROUSE, CLERK OF COURT

P.O. BOX 11330

Columbia, S.C. 29211

RE: JAMES A. GILES V. State of South Carolina

Appellate Case No. 2018-000880

Dear Mr. Shearouse.

Enclosed for filing is a copy of My Motion to stay on Pending Appeal, Along
With the Attach Certificate of Service,

if You have any question Concerning this Matter, Please do Not hesitate to Contact Me

With Kind regards, I am

Your Very truly

JAMES A. GILES

THE STATE OF SOUTH CAROLINA | Appellate Case NO. 2018-000880

IN THE SUPREME COURT |

JAMES A. GILES |

Appellant, |

VS. |

STATE OF SOUTH CAROLINA |

Respondent, |

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S.C. SUPREME COURT

MOTION TO STAY ON
PENDING APPEAL

You Will Please TAKE NOTICE, That Appellant James A. Giles, Comes before this Honorable Court, requesting a stay on his Pending Appeal for the following reason(s).....

ON March 27, 2019. the Appellant receive a letter from the Supreme Court dated March 20, 2019. And the letter stated: " Please be advised, a Motion to reinstate Your Appeal Was filed ON March 18th and granted ON March 19th, 2019. The Petition for Writ of Certiorari is NOW due ON April 09, 2018.

Respectfully the Appellant Move this Honorable Court for a stay on his Pending Appeal, because ON December 14, 2019. the Court Appointed Mr. JAMES H. FALK to

represent the Appellant on his Pending Appeal, AND NOT ONE TIME HAVE MR. FALK attempt to CONTACT the Appellant CONCERNING his Pending Appeal, but the Appellant have Made Several attempts to CONTACT Mr. Falk CONCERNING his Pending Appeal, but Mr. Falk have refuse to respond to any of the Appellant letters, AND the Appellant is Very disappointed With this Honorable Court for appointing Mr. Falk to represent the Appellant ON his Pending Appeal, due to the fact, that the Appellant CANNOT COMMUNICAT With Mr. Falk at all, because Mr. Falk telephone does NOT accept Collect Calls, AND Mr. Falk refuse to respond back to any of the Appellant letters.....

SO therefore Mr. Falk is NOT Carry out a Lawyer responsibilities, because a Lawyer should be Competent, Prompt and diligent to their Client, AND a Lawyres should Maintain COMMUNICATION With a Client CONCERNING the representation,..... SO therefore because Mr. Falk is Violating the Appellate Court Rules of Professional Conduct, the Appellant CANNOT receive an fair Appeal, because the Appellant have a Very complex Case, SO therefore the Appellant Need to COMMUNICATE With Mr. Falk, before Mr. Falk Make any attempt to file a Petition for a Writ of Certiorari AND Appendix ON the behalf of the Appellant,..... due to the fact: "That ON March 17, 2018. the Appellant James A. Giles through his Post-Conviction Relief Attorney Ms. Beth Ramsey Faulkner, Move the Court of Common Pleas IN UNION County for the sixteenth Judicial Circuit ON the tenth (10th) day after service hereof for an order, to Altering, Amending and/or granting relief from the order of Dismissal executed by the Honorable Judge Mark Hayes, AND such Motion was based upon South Carolina Rules of Civil Procedure 59 and 60.

Ms. Faulkner filed her Motion for a 59(e) Ruling, because Judge Hayes failed to Clarify his ruling in his outlined decision dated February 27, 2018. regarding the two Prongs of Strickland V. Washington, Also Judge Hayes ruling was absurd and Contrary to Justice, because Judge Hayes based his entire outlined decision on a guilty Verdict of the Appellant Jury trial, which is also is a Illegal Procedure,

And Judge Hayes failed to include his finding in his outlined decision, in the Court's order of Dismissal, because Judge Hayes stated in his outlined decision,

" While the record indicates that second Counsel May Not have been as aggressive, and thorough in her representation of Applicant (And arguably deficient), the guilt of the Applicant was clearly established and thus the conclusion that error by Counsel was Prejudicial would be speculative,

This finding is Not set forth in the Court's order of Dismissal in this Matter, so therefore the Appellant seeks for this finding to be included in the Court's order of Dismissal because the Appellant cannot receive an fair Appeal, until the Lower Court makes a ruling on this Matter, but the Appellant cannot bring this Matter to Mr. Falk attention, before Mr. Falk due date to file the Petition for Writ of Certiorari and Appendix, because Mr. Falk have refuse to Communicate with the Appellant, so therefore basically the Appellant is without any representation on his Pending Appeal, and this is the Appellant main reason to file his Motion to relieve Mr. Falk as his Pending Appeal Attorney, because there is NO Way in the World that Mr. Falk can file an affected Petition for a Writ of Certiorari by April 9, 2019

ON the behalf of the Appellant, When Mr. Falk have refuse to Communicate with the Appellant, before filing the Appellant for Writ of Certiorari And Appendix,

WHEREFORE, The Appellant Pray that this Honorable Court, grants his Motion to Stay on Pending Appeal, due to the fact, that the Appellant have filed a Motion to Relieve Mr. Falk, And the Appellant have Never receive a Ruling on his Motion to Reconsider Alter, Amend, and/or set aside the order dated February 27, 2018 because the Appellant Need Judge Hayes finding in his outlined decision to be included in the Court's order of Dismissal because the Appellant Cannot receive an fair Appeal Without Judge Hayes Ruling in his outlined decision to be include in the Court's of Dismissal Also the Appellant Would like to bring to this Honorable Court Attention, that the Appellant is filing this Motion, because basically the Appellant is Without any legal representation from Mr. Falk, because Mr. Falk have Never attempt to Contact the Appellant, Since Mr. Falk Was appointed to represent the Appellant ON December 14, 2019.

Respectfully submitted

James A. Giles

JAMES A. Giles #264478

Tyger River C.I. UNIT 8-RM 227

200 Prison Road

ENoree, S.C. 29335

April 1, 2019

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appellate Case NO. 2018-000880

JAMES A. GILES

Appellant,

CERTIFICATE OF SERVICE

Vs.

STATE OF SOUTH CAROLINA

Respondent,

I, JAMES A. GILES, Certify that I have today served the Within Motion to Stay on Pending Appeal upon the Respondent by depositing a copy of it in the U.S. Mail Postage Prepaid, Addressed to its Attorney of Record, Janell Gregory, Esquire office of the S.C. Attorney General, P.O. BOX 11549, Columbia, S.C. 29211-1549 I further Certify that all Parties required by Rule to be served have been served this April 1, 2019

CC: JAMES H. FALK

CC: Janell Gregory Esq.

James A. Giles

JAMES A. GILES # 264478

Tyger River C.I. UNIT 8 - R227

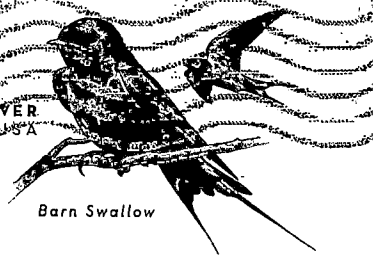
260 Prison Road

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DANIEL E. SHEAROUSE, Clerk of Court
P.O. BOX 11330
Columbia, S.C. 29211

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Legal Mail

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