

Mr. Alan L. Burns , # 143218
Broad River C.I. , Moultrie 1103 B
4460 Broad River Road
Col. , SC 29210 - 4047

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APR 29 2019

S.C. SUPREME COURT

Hon. Daniel E. Shearouse,
Clerk of Court
Post Office Box 11330
Col. , SC 29211 - 1330

APRIL 26 , 2019

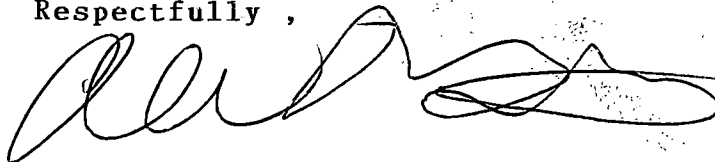
Re. : BURNS , ALAN L. vs. STATE OF SOUTH CAROLINA
(OBJECTION To The Motion For Appointment Of Outside Counsel)

Dear Mr. Shearouse :

Enclosed for filing and processing please find my Objection
to the Return to the Motion For Appointment Of Outside Counsel and
Certificate of Service .

Please find an additional copy of each document for you to
clock and return to me . Thanking you in advance , I am . . .

Respectfully ,



ALB / alb

Enclosures

cc : SC Attorney General's Office
Robert M. Dudek , Esq.

Court
Copy

Court Copy

STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM CHARLESTON COUNTY

COURT OF COMMON PLEAS

Hon. G. Thomas Cooper , Cir. Court Judge

PCR Case No. : 2017 - CP - 10 - 0271

BUNRS , ALAN L., Appellant ,

vs.

STATE OF SOUTH CAROLINA,Respondent .

OBJECTION TO THE RETURN TO THE MOTION FOR APPOINTMENT OF OUTSIDE COUNSEL

COMES NOW the Appellant above named who proceeded pro se in PCR hearing on Dec. 4 , 2018 , before Judge G. Thomas Cooper . At hearing Appellant asserted that Susan B. Hackett of the Appellate Defense Office provided ineffective assistance of counsel for not raising a territorial jurisdiction issue in direct appeal and for not filing for rehearing and/or reinstatement following the Court of Appeals denial of his direct appeal .

Appellant filed a timely Notice of Appeal challenging the PCR Court's ruling that essentially stated that Appellate Defender Hackett did not provide ineffective assistance of counsel .

Robert M. Dudek , Chief Appellate Defender alleges in his return that because the PCR Court found no ineffective assistance of counsel there is no conflict of interest .

The purpose of this appeal is to challenge the finding and ruling of the PCR Court . This appeal in essence will ask this SUPREME COURT to find the PCR Court's finding and ruling in error

so much so that it will require reversal of its finding and ruling that appellate counsel was not ineffective .

The question that is now presented before this Supreme Court is whether a conflict of interest will exist if the Division of Appellate Defense is allowed to represent Appellant in this appeal .

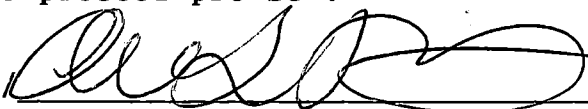
Mr. Dudek states that " he does not think a conflict of interest exist with the Appellate Division representing petitioner in this case. " [sic] Mr. Dudek however has obviously disregarded the fact that in representing Appellant in this appeal they will be making the argument that the direct appeal attorney was in fact ineffective and that the PCR Judge's ruling was in error and that error requires reversing .

The Appellant avers that he does not believe that Mr. Dudek or any other attorney from that office will effectively represent his interest by openly declaring the direct appeal counsel Susan B. Hackett was ineffective and that the PCR Judge was in error for not so finding such ineffectiveness .

WHEREFORE having fully responded and/or object to the return of the Chief Appellate Defender , Robert M. Dudek , the Appellant reiterates his request for the appointment of outside counsel in this impendent appeal . In the alternative , Appellant would respectfully request leave to proceed pro se .

APRIL 26 , 2019

S/



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APPEAL FROM CHARLESTON COUNTY

COURT OF COMMON PLEAS

Hon. G. Thomas Cooper, Cir. Court Judge

PCR Case No. : 2017 - CP - 10 - 0271

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BURNS , ALAN L. , Appellant ,

vs.

STATE OF SOUTH CAROLINA , Respondent .

CERTIFICATE OF SERVICE

Appellant hereby certifies that he served the Respondent and the S.C. Attorney General, with an exact copy of his OBJECTION TO THE RETURN TO THE MOTION FOR APPOINTMENT OF OUTSIDE COUNSEL , by placing same in the U.S. Mail, postage prepaid , addressed as follows :

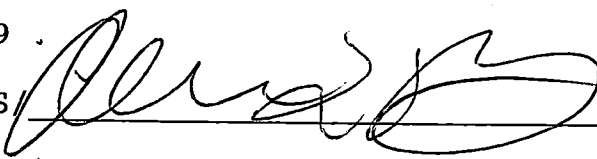
Robert M. Dudek, Esq.
Division of Appellate Defense
Post Office Box 11589
Col. , SC 29211 - 1589

S.C. Attorney General's Office
Post Office Box 11549
Col. , SC 29211 - 1549 .

on this 26th day of APRIL 2019 .

I SO CERTIFY :

April 26 , 2019

S. 

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