

Mr. Antonio Simmons, # 279418
Broad River Correctional Institution
Marion Unit A - 162
4460 Broad River Rd.
Columbia, SC 29210

RECEIVED

MAR 25 2020

Date: 3/20/2020

S.C. SUPREME COURT

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

RECEIVED
MAR 27 2020
SC Court of Appeals

Enclosed please find for filing and processing with your office. A request for status of the appeal from the Charleston county clerk of court. Counsel was supposedly file the notice on Defendant behalf from the post-conviction hearing that was held on July 29, or 30, 2019, at the Charleston county courthouse case number (2018-CP-10-4505), on behalf of Defendant. Defendant was denied efficient of counsel when counsel knowingly and willingly disregarded trial judge orders to appeal lower court decision concerning allegations made by Defendant during a post-conviction relief hearing. (See Defense v. Moran, 572 F. Supp. 334 729 F. 2d 18.)

The Defendant was abandoned after his trial counsel did not filed the notice of appeal from conviction during a critical stage of his case. Counsel was ineffective in failing to file notice of appeal, after the Defendant advised counsel to appeal. The Defendant is precluded from exhausting all available state remedies, state remedies are not deemed exhausted until the Defendant utilized all procedures available under state Law to raise his claim. See Id. § 2254(c). The Defendant satisfies the exhaustion requirement by properly pursuing a claim throughout the entire appellate process of the state.

See Justice of Boston mun. Court-v.-Lydon, 466 U.S. 294, 302-03 (1984).

(Exhaustion requirement satisfied by presentation of claim on appeal to state supreme court from denial of motion to dismiss, see e.g. McCandless-v.-Vaugh, 172 F. 3d 255, 260 (3d cir. 1999). (Exhausted remedies available in court of state).

Rust-v.-Zent, 17 F. 155, 160 (6th cir. 1994) (exhaustion requirement satisfied and supreme court. Wayne-v.-Missouri, Bd. of probation & parole, 83 F. 3d 994, 996 (8th cir. (1996).

Pursuant to Rule 71.1 (g), SCRCP, provides right to appeal.

I sincerely appreciate your assistance in this matter. I will be looking forward to your Reply at your earliest convenience time.

RESPECTFULLY SUBMITTED,

SI Antonio Simmons
Antonio Simmons, # 279418

Mr. Antonio Simmons, # 279418
Broad River Correctional Institution
Marion Unit A - 162
4460 Broad River Rd.
Columbia, SC 29210

COLUMBIA
SC 290
23-MAR '20
PM 4 L



RECEIVED
MAR 20 2019
BRCI MAILROOM
MAR 26 2020
MAIL ROOM
Legal Mail

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

RECEIVED
MAR 27 2020
SC Court of Appeals

29211-133030

