

Larry Wayne Scott Jr) Supreme Court of
v) South Carolina

The State, Lexington)

April 10, 2022

County public Defender Robert)

Madson, Lexington County public)

Direct Appeal

Defender R. Heath Owens,)

South Carolina Dept. of)

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Mental Health Forensic (psyc))

APR 14 2022

Psychiatrist et al)

SC Court of Appeals

I Larry Wayne Scott Jr, Criminal Defendant In Case number # 2021A3210201743, File this Appeal pro se, Before The Supreme Court of South Carolina Today April 10, 2022! I file this Appeal due to the Ruling By Hon Judge McIntosh on April 06, 2022, In the Court of General Sessions County of Lexington

On April 06, 2022 I Appeared Before The Court of General Sessions, For A Hearing To Appoint Counsel, Due to the fact I have Multiple Conflicts of Interest with the Lexington County public Defender, Also I have filed Ineffective Assistance of Counsel Complaints, Among other Ethical Violations The public Defender is and Are in Violation of! On March 17 2022, I filed A pro se Motion To have R. Heath Owen Esquire, Removed From my case for Incompetence, Ineffective of Assistance of Counsel, Legal Malpractice, Stonewalling, Negligence, Also I outlined Owen misconduct in the pro se writ filed!

I Also filed A Legal Malpractice law suit February 14, 2022! SC Code 15-78-50 (a) 359 S.C. 244, 249-54! Also I have A pending Office of Disciplinary Conduct case Against Lexington County public Defender Robert Heath Owen, Esquire file # 22-DEI-0264 no 1 of 10 ton

Supreme Court of South Carolina

Also in the Original Complaint to Name
Circuit public Defender Robert Madsen, Also in
2013 I filed similar complaints with the
South Carolina Bar Association Against Elizabeth
Fullwood for similar actions, which is common
place in the circuit!

I appeared before the Hon. Judge McIntosh
April 06, 2022. Public Defender R. Heath Owen Esquire,
at the hearing stated "This motion to appoint
counsel was brought by Mr. Scott" then Owen
stated, "The S.C. Dept. of Mental Health forensic
psychiatrist on November 24, 2022, found the
defendant Mr. Scott incompetent to stand
trial, and on November 24, 2022 requested
a 60 day inpatient evaluation" at that
time the Hon. Judge McIntosh made a ruling
and denied the my request to relieve the
public defender office from your case! see
letter (attached) dated April 06, 2022 sent to
me from Robert Madsen Circuit public Defender!

At that time I raised a objection,
and did object to the ruling! I also
stated the warrant was falsified! when I
stated "objection", the Hon. Judge McIntosh,
did at that time also rule, that the
court ordered that the sixty day evaluation
be carried out immediately!

X I hereby today file this appeal
X X Page (2) ~~trial~~ ~~transcript~~ ~~ten~~ X X

Supreme Court of South Carolina April 10, 2022

Today April 10, 2022, Pro se, Asking The Honorable Supreme Court, To Review the Ruling made By Hon Judge MacIntosh. At the time Judge MacIntosh Ruled to stay the public Defender, I raised a objection And Immediately Objected To the Judges Ruling! I Also After Objection, verbally stated I direct Appeal to the Hon (Court) Supreme Court!

Robert Heath Owen, Esquire, Lexington Co. Public Defender, Also Testified At the April 06, 2022, Hearing to Appoint Counsel and to Remove The public Defender from the case. That "Scott Appeared before The South Carolina Dept of mental Health Forensic unit Located at 7901 Sarrow Rd Bldg # 6, To undergo a Forensic Evaluation for Competency, The Eval was conducted November 4, 2021 and on November 24, 2021, The Forensic psychiatrist that conducted the evaluation found Mr. Scott Incompetent to stand Trial" And "in the November 24, 2021 Report made by the Forensic psychiatrist whom evaluated Mr. Scott" Requested that the public Defender have Mr. Scott Transferred to The S.C.D.M.H.T Forensic unit for a Sixty day Evaluation! At the November 04, 2021 Evaluation Owen, missed the Evaluation, At the Evaluation Owen knew that I was not aware of the Warrant Date of March 08, 2021, which I was Incarcerated In the Newberry County Det. center on February, 02, 2021, Warrant! I am Not Incompetent, And Being Competent I file This Appeal Today April 10, 2021, To Ask The Hon. Supreme Court to Overview The Hearing And To overturn The Ruling in the Court of General Sessions, County of Lexington, Made By The Honorable Judge MacIntosh on April 06, 2022!

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April 10, 2022

Robert Heath Owen, Esquire, The Lexington County Public Defender
Whom was Appointed to Represent Me In the Case # 2021A3210201743, Warrant
Date March 08, 2021! Was well aware that At The November 04,
2021 Competency Evaluation That I stated fact, That on
April 07, 2021, I was bonded out of The N.C.D.C. By Sinkler
Bonding Company on a Feb. 2, 2021 Failure to Reg 1st and
Failure to Reg 3rd or Sub! And From February 25, 2021 until
April 07, 2021 I was Incarcerated in the Newberry County
Retention Center And when I bonded out on April 07,
2021 that I immediately notified Newberry Sheriff Dept.
ofc. Deanna Wilbanks, I was transferring to the Lexington
County Jurisdiction, And on April 08, 2021 I Registered
with the Lexington county Sheriff Office, And my
picture was posted online and I was provided with
Registration Documents by the Lexington County Sheriff
Dept. To Return to the S.O.R office the week
of July 14-21, 2021 To Re-register! The date of
Warrant # 2021A3210201743, Is March 08, 2021, At the
Time I was Incarcerated At the Newberry Jail,
Bonded out, And was Registered with the Lexington
County Sheriff office, when I was Arrested on
July 05, 2021 on March 08, 2021 Warrant!

Robert Heath Owen Esquire, Has precluded the
Public Defender from being Removed from my Case
Mislead Forensic unit Psychiatrist, By contradicting
the Fact's I stated at the Evaluation! Owen,
Repeatedly Misleads the Court and Refuses to Remove
Himself from the Case! I did on April 06, 2022 Did in →
X ✓ Disc Fair (A) of (N) Ten Disc X ✓

Fact Object: The Judge Ruling To stay And Not Remove The Public Defender's Office from my case. Legal Ethics: The keystone of legal ethics is the avoidance of conflicts of interest *U.S. v. Hubbard* 43, 43 CMR 322, 325 (1971)

In the context of addressing motions for new counsel the Fourth/Ninth Circuit generally defines a conflict of interest as the competing interests potentially affecting counsel's capacity to give undivided loyalties to his client's interests, *Howard v. McDaniel* case No. 2:93-cv-01209-LRM-LRL, slip op. at 2

I demonstrated in the filing of the complaints to the South Carolina Bar, the office of disciplinary conduct and the pro se filing motion to appoint counsel that right to effective legal counsel is assured by the Sixth Amendment, which has been incorporated into the due process clause of the due process clause of the fourteenth Amendment as well state constitution, so that every criminal defendant who faces a potential loss of liberty has access to an attorney who provides effective assistance of counsel at each stage of the criminal proceedings. Right to counsel applies to whether the defendant

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Supreme Court of South Carolina

Can afford to hire a lawyer or not in which case the court will appoint a lawyer without charge to the defendant! During The April 06, 2022 Hearing Hon. Judge Ruled To Allow The public Defender to represent me, However The Hon. judge McIntosh Ruled, without knowledge of the Circumstances, unless The public Defender Did in fact Brief The Judge prior To the Hearing? However Attorney R. Heath Owen Did in fact violate My six Amendment Right, By Not state the facts, And By Not disclosing the Conflict of Interest, That exist in the Case, As well R. Heath Owen Esquire, Did Not notify the Court of The office of Disciplinary Counsel Case-File Number 22-DEH-L-0264, I filed Against Him for the fact His Action's Are Illegal And In violation of My Six Amendment Right as well as A violation of The Due process clause!

→ In order To demonstrate a violation of A defendant Six Amendment Right, A defendant must Establish an actual conflict of interest adversely affected his lawyers performance, Cuyler -v- Sullivan 446, U.S. 355, 350

IF In fact The S.C. Dept. of Mental Health forensic psychiatrist on Nov. 24, 2021 Ruled I was Incompetent to stand Trial, It was In Error and Due to the fact

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That R. Heath Owen Esquire, Did Mislead the Evaluation, which during the November Evaluation, Owen Did In fact use A Audio/video Surveillance Camera, which He (Owen) placed on the Table, To Record The Evaluation, Therefore violating HEPA policy, Further, During The April 06, 2022, Court of General Session Hearing Before Judge MacIntosh, I Brought To the Court Attention, That During A Recorded phone conversation I made from the jail to the Lexington County public Defender Office, That the woman I talked to presume, per legal Gale Ethridge, stated "That the Solicitor was going to dismiss your charges" Also I Also notified the Court at that time that The Motion to have me evaluated for Competency, was Made Solely by the public Defender Robert Heath Owen Esquire, Not by the State, And after the September phone conversation between me and the female I spoke with at the public Defender office! Assistant Solicitor Cox or public Defender R. Heath Owen Esquire, Did not dispute this statement Made At the April 06, 2022 Hearing!

I Inquired At the Detention Center with the mental Health provider as to the time frame to be admitted to the S.C.D.M.H. The mental Health provider stated it is a waiting

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period of over one year! And that inmates have been waiting for periods of over one year for inpatient evaluation at the South Carolina Dept. of Mental Health Forensic unit! I was evaluated November 4, 2021, The public Defender testified on April 06, 2022 that the S.C. D.M.H Forensic Psychiatrist, found me incompetent to stand trial, and requested thru the public Defender office to place me in the Forensic unit for a (60) sixty day evaluation! However due to the time frame and the fact of the waiting list is over one year! And the circumstances related to my case! It is a violation of my due process right to be continuously held as incompetent in the Lexington County Detention Center where I have been incarcerated continuously since July 05 2021, on March 08, 2021 warrant 2021A3210201743! Due to the actions of the public Defender, and also the mental health provider, A Employee of Wellpath as well as S.C.D.M.H Forensic unit, Nurse Alewine, I have a 2013 restraining order on her, due to the fact I testified against members of her immediate family in the Court of General Sessions, County of Lexington! Resulting in a 19 Nineteen year sentence in the South Carolina Dept of Corrections! So any statements made by her or Wellpath Employee, should be omitted if used to determine my mental capacity and/or competency to stand trial! I hereby attest, to my sound mind, due to the fact I understand the nature of the proceedings against me! I take Anti-depressant →
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Remotion, Due to the Fact I Suffer From
Clinical Depression! At the November Evaluation, I
stated Fact, I did not Exhibit No Effect or make
no statement that was Not Based on Fact of
The case! For The Foregone Reason, And Due
to My mental Capacity To understand the
Court system and therefore Assist in my Defense,
I Ask the Court To, Dismiss; or Therefore
Rule In the Defendant's Favor, To Dismiss
The (Mental Health) Evaluation AS unconstitutional,
AS well as Review the Case filed before
The Court AS unconstitutional, And AS such
Consider that I was Arrested on July 05, 2021
on March 08, warrant, for which I was In the
Maulberry Co Det. center, I also (consider) ask the
Court to consider the vindictive prosecution of
the case And the fact that on April 06, 2022
was the first time I Appered In the Court
of General Sessions (A period of over
Nine Month) And that I have been continuously
Incarcerated since July 05, 2021! On a
Revised warrant, I also Ask The Honorable
Court of The State of South Carolina Supreme
Court To Make Any Ruling that The Honorable
Suprem Court deem's just, proper and In the
Interest of Justice In The Direct Appeal
filed Before the South Carolina Supreme

Supreme Court of South Carolina April 10, 2022

Court, By Larry Wayne Scott Jr, pro se,
On Today's Date April 10, 2022, I hereby pray
the Court Review the Case, In context! And as
Such weigh the injustice of the Case! The violation
of The Sixth Amendment, Due process clause, And
therefore the unconstitutional Actions of The
Court of General Sessions, County of Lexington, April
06, 2022 Hearing! As well as the unethical Actions
of The Lexington County public Defender R. Heath Owen
Esquire, whom knowingly And willingly misled the court
By Careful and skillful Acts and omissions! Also I
Ask the Honorable Supreme Court of Appeals, To consider
the Lack of prosecution of the case and the
undue delay In the proceedings as a determining
factor In my case!

I file this Timely Appeal Today April
10, 2022, Seeking The Review of The South
Carolina (Court of) The Supreme court. The Review
of The April 06, 2022 Ruling Made by The
Honorable Judge McIntosh, In the Court of General
Session County of Lexington!

I file this Appeal Today April 10, 2022 For
the Foregone Reasons!

Thank you for your Time, concern and
Consideration In the matters filed before the
Honorable Supreme Court of South Carolina!

Respectfully Submitted
Larry Wayne Scott Jr

0410/2022

OFFICE OF THE PUBLIC DEFENDER

ELEVENTH JUDICIAL CIRCUIT
LEXINGTON, SALUDA,
EDGEFIELD,
AND MCCORMICK COUNTIES

ROBERT M. MADSEN
CIRCUIT PUBLIC DEFENDER

JASON CHEHOSKI
TRI-COUNTY PUBLIC DEFENDER
POST OFFICE BOX 1852
MCCORMICK, SC 29835
TELEPHONE (864) 852-9555
FAX (864) 852-9554

ELIZABETH FULLWOOD
LEXINGTON PUBLIC DEFENDER
202 E. MAIN ST.
LEXINGTON, SC 29072
TELEPHONE (803) 785-8873
FAX (803) 785-1443

Attachment ① April 10, 2022
South Carolina Supreme Court

April 6, 2022

Larry Wayne Scott, Jr.
Lexington Detention Center
Post Office Box 2019
Lexington, South Carolina 29072

05-108202

Dear Mr. Scott:

Thank you for your voicemail message. It is my understanding from your message that the judge denied your request to relieve the Public Defender's Office from your case. You are entitled to competent representation, not an attorney of your own choosing unless you privately retain that attorney. If you decide to hire an attorney please let our office know so we can transfer your file.

With my warm personal regards, I remain,

Sincerely,


Robert M. Madsen

cc: Heath Owen



**South
Carolina
Bar**

Attachment (2) April 10, 2022
South Carolina Supreme Court

The South Carolina Bar, a membership organization for attorneys, has received your letter. Our response is checked below:

- The South Carolina Bar does not give legal advice, assist with lawsuits, appoint lawyers, or dismiss lawyers appointed by a court.
- The South Carolina Bar does not have authority over the actions of the prison system or prison staff.
- The South Carolina Bar does not have authority over judges, the court system, or sentencing.

X Complaints against your public defender must be raised to the chief public defender in your judicial circuit.

- If you wish to hire a private attorney, you will need to write to the Lawyer Referral Service (LRS) at:
South Carolina Bar LRS
PO Box 608
Columbia, SC 29202-0608
You must provide the name of the county where the lawyer's services will be required, and why you need the services of the lawyer. A lawyer hired through the Lawyer Referral Service will charge you a \$50 fee for a 30 minute consultation. After that you will have to negotiate with the lawyer as to what the fee will be.
- If you would like to file a formal complaint against a lawyer or a judge, you must write the Office of Disciplinary Counsel. Make sure to include the name of the lawyer or judge, why you believe he/she acted inappropriately, and your full name and address. The address for the Office of Disciplinary Counsel is:
Office of Disciplinary Counsel
PO Box 12159
Columbia, SC 29211
- Other:

Larry Wayne Scott Jr #101433

LCDC 2B10

P.O. Box 2019 legal mail

Lexington SC 29072

COLUMBIA SC 290

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The Supreme Court of South Carolina

Court of Appeals

ATTN: Appeals Division

P.O. Box 12159

Columbia South Carolina 29211

29211-215959

