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May 08 2023

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal from Dorchester County Court of Common Pleas
The Honorable Heath P. Taylor, Circuit Court Judge

App. Case No. 2023-000509

Justen Lee Wilkes, # 00375739Petitioner,

v.

The State of South Carolina.....Respondent

**MOTION TO HOLD APPEAL IN ABEYANCE, OR IN THE ALTERNATIVE,
MOTION TO EXTEND THE TIME TO ORDER PCR HEARING TRANSCRIPT**

The Petitioner, Justen Lee Wilkes, by and through undersigned counsel, hereby moves to hold the appeal in abeyance, or in the alternative, extend the time to order the PCR hearing transcript.

The transcript for the PCR hearing is currently due to be ordered in the above-captioned case. For the reasons discussed herein, Counsel respectfully submits that an abeyance or an extension is appropriate.

Counsel had notified Mr. Wilkes of the dismissal of his PCR and the commencement of his PCR appeal by letter, which also explained the process of obtaining appellate representation through SCCID. The SCCID Affidavit of Indigency form and copies of the Order of Dismissal

and Notice of Appeal were enclosed with the letter. Last week, Della White of SCCID notified Counsel by email that her office had not yet received the Affidavit of Indigency form back from Mr. Wilkes and therefore could not yet take on representation for his case.

Counsel arranged a Webex meeting with Mr. Wilkes this past Friday, May 5, 2023 for the purposes of determining the status of Mr. Wilkes's plans as far as appellate representation, answer any questions regarding his appeal, etc. During the Webex meeting, Counsel was informed that Mr. Wilkes had been placed on suicide watch and moved to Broad River several weeks earlier for suicide prevention/crisis intervention and treatment. From speaking with Mr. Wilkes and observing his behavior and demeanor, Counsel does not believe Mr. Wilkes is in a position or state of mind capable of making any decision regarding counsel or proceeding with his appeal.

Counsel respectfully submits that holding the appeal and all timelines in abeyance is necessary to allow time to communicate with Mr. Wilkes and his family to arrange a new representation agreement to handle the appeal or allow time for him to return to a state where he is able to make decisions and/or complete the Affidavit of Indigency so that SCCID can take on representation in his case. In the alternative, Counsel requests an order extending the time to order the PCR hearing transcript.

Prior to filing this Motion, Counsel contacted Counsel for Respondent, Senior Assistant Deputy Attorney General Megan Harrigan Jameson, for her position on an abeyance or in the alternative, an extension to order the PCR hearing transcript. Ms. Jameson has graciously consented to this Motion.

WHEREFORE Counsel respectfully moves this Court to hold the appeal and all timelines in abeyance, or in the alternative, to extend the time to order the PCR hearing transcript.

Respectfully submitted,

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Lauren Carole Hobbis

By: s/ Lauren C. Hobbis, #103190

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