

STATE OF SOUTH CAROLINA

IN THE STATE OF SOUTH CAROLINA

COURT OF APPEALS

KATRINA MORRISON,)

AMENDED

APPELLANT Pro Se)

MOTION TO RELIEVE COUNSEL

Vs.)

2023-000703

STATE OF SOUTH CAROLINA)

RECEIVED

May 11 2023

RESPONDANT)

SC Court of Appeals

Katrina Morrison, Appellant in the above captioned matter, requests that Attorney Timothy Kirk Truslow be relieved of his obligation to the appellant as counsel.

Based on Transcript provided by Bobbi Fisher RPR, received May 9th 2023 (Attached) Attorney Timothy Kirk Truslow breached the South Carolina Professional rules of Conduct and his obligations to the Appellant as follows:

Attorney Timothy Kirk Truslow allegedly emailed false information to Judge B. Culbertson via e-mail on the 11th of April 2023.

Breach of Rule 1.1: Competence by Attorney Truslow.

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Thoroughness and Preparation

[5] Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners.

It also includes adequate preparation. The required attention and preparation are determined in part by what is at stake; major litigation and complex transactions ordinarily require more extensive treatment than matters of lesser complexity and consequence. An agreement between the lawyer and the client regarding the scope of the representation may limit the matters for which the lawyer is responsible. See Rule 1.2(c).

Attorney Truslow did not appear at a scheduled hearing April 12th 2023.

Further, during the initial Trial of this matter Attorney Truslow was asked multiple times, as was his office staff, to acquire the evidence being submitted by Officer Thomas Roesch,- a recorded telephone conversation. This information/evidence relied on by the Animal Control officer for Two warrants and the entire prosecution of a States' case.

This evidence was withheld from the defense and although the defendant made the issue known to her attorney, the information was never obtained by Brady request.

Further, this evidence was discussed in front of the jury yet Attorney Truslow neglected to mention the Rule 5 and Brady violations in the original appeal.

Attorney Truslow failed in his obligation to be thorough and prepared.

Breach of Rule 1.3: Diligence by Attorney Truslow.

Reasonable diligence and promptness in representing a client.

Attorney Truslow failed to appear at the hearing April 12th 2023.

Further Attorney Truslow failed to communicate with the Appellant from January 13th 2023 until April 11th 2023. Attorney Truslow failed to respond to any filings of the Appeal he himself filed.

Attorney Truslow failed to communicate any dissatisfaction with the handling of this appeal with the Appellant until after not appearing for the hearing.

Attorney Truslow failed to act diligently or promptly for the Appellant.

Breach of Rule 1.4: Communication by Attorney Truslow

Attorney Truslow failed 1.4:1-4 as follows;

1. Attorney Truslow failed to keep the Appellant informed in any way at all.

2. Attorney Truslow failed to consult with the Appellant in any manner.
3. Attorney Truslow failed to reply to multiple requests of the status.
4. Attorney Truslow failed to comply with any request for information.

Under Rule 1.16 of the South Carolina Rules of Professional Conduct Appellant wishes to terminate Attorney Truslow's representation.

Appellant wishes to discharge Attorney Timothy Kirk Truslow as his representation has been detrimental to her objective.

On April 7th 2023 Appellant checked the public index to see if the appeal that had been filed by her Attorney, Timothy Kirk Truslow, was on the calendar. To her shock it seemed there was a hearing scheduled for the 12th of April.

The appellant had no knowledge of this hearing.

The email responded to by Attorney Truslow was responded to on the 11th of April 2023 at 4:47pm. Attorney Truslow via e-mail after not having communicated with the appellant for 3 months suggested that "we ought to let this go".

The appellant immediately responded and gave Attorney Truslow the opportunity to be relieved of his obligation to the Appellant on the 11th of April 2023pm at 5:22.

Appellant suggest in the e-mail dated April 11th 2023 addressed to Attorney Truslow that she would make known to Judge Culbertson the following day at trial that Attorney Truslow was not interested in defending the case. (this email chain is attached to this filing)

Appellant made known to Attorney Truslow that she would seek the courts mercy for an extension of time to find an alternative as she had no knowledge of the hearing until she her self became aware thru the public index.

Attorney Truslow directed the Appellant to attend his office on the 12th of April, 2023 at 1:20 pm for the hearing. Appellant did in fact appear at the office of Timothy Kirk Truslow at 1:15 pm April 12th, 2023 accompanied by Susan Flynn. (affidavit of Susan Flynn attached).

Attorney Truslow failed to appear in his office on the day and failed to appear before Judge Culbertson (2023A-26 -00402) in the Fifteenth Judicial District via Web X dated April 12th 2023.

Having received the transcript of the hearing dated April 12th 2023 the following participants are listed in the transcript.

1 Attorney Jesse James Glasgow whom states to the court did not prosecute this case.

2. Assistant Solicitor Rebecca Benson

3. Mr. Gunter- witness from the original trial whom is employed by A.O. Hardee and Son. Mr. Gunter is present as an observer.

4. George Redman- A private attorney of the supposed victim, who declares he is present and available if called upon by the to the court to answer any questions.

As alluded to in the current Appeal this case stems from prosecutorial misconduct and malicious prosecution.

Appellant asks the court to take notice that aside from two attorneys from the Horry County Solicitors office who state in the transcript that “we did not prosecute this case; the Horry County officer did in the magistrates court”. This officer, an Animal control officer, Thomas Roesch surprisingly not present.

In fact, the appellant suggests that the prosecution was in fact brought by Attorney George Redman. As stated by Attorney Redman in the prosecution of this matter before Judge Livingston “I have marshalled my witnesses here to this court”.

Of all the participants listed the most strange and obvious, the appellant herself not given a link, no notice and no opportunity to participate. While the office of Kirk Truslow was engaged as a participant to this web-x on the 12th of April, and the Appellant signed in with her own e-mail, the office staff at the behest of attorney Truslow intentionally disconnected the hearing before the case was heard.

Appellant was told by that office staff that Attorney Truslow had “Handled the issue”.

Appellant was notified by Judge Culbertson’s clerk the following day the case had been dismissed for lack of prosecution “ your attorney did not show up”.

Whereas Attorney Timothy Kirk Truslow has failed in his duties of representation and sadly breached the professional rules of conduct, Appellant prays that the court will relieve Attorney Timothy Kirk Truslow from representation of the Appellant.

The Appellant also humbly requests this court compel Attorney Truslow to provide the Appellant his professional liability carrier information. This information has been requested on multiple occasions with no response.

Appellant, based on the transcript would respectfully further ask the court to compel a copy of the e-mail sent to Judge Culbertson dated April 11th 2023 regarding Attorney Truslow's assertion of a Motion to Relieve Counsel having been filed previous to the hearing dated April 12th 2023.

Further the Appellant prays for any and all other relief the court should find acceptable in the interest of justice.

Respectfully submitted,

 /s/_____

Katrina Morrison

May 11, 2023

Pro Se

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