

# The Supreme Court of South Carolina

James Dejarnette Robertson, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2023-000505

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## ORDER

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Petitioner has filed a motion seeking the appointment of William Harry Ehlies, II, and Derek Joseph Enderlin as his counsel. However, counsel have requested compensation beyond the amount set by statute and the lower court. The motion to appoint Mr. Ehlies and Mr. Enderlin is granted, but the request for additional compensation is denied. Counsel will be compensated at the rate of \$115.00 per hour as set by the PCR court and shall split any compensation associated with the appointment. Further, counsel may move this Court for attorney's fees and costs at the conclusion of the matter. *See Ex Parte Brown*, 393 S.C. 214, 222–23, 711 S.E.2d 899, 903–04 (2011) (holding the constitutional protection against takings applies to all court-ordered appointments, and it is within the discretionary authority of the court to award attorney's fees and costs subject to the lawyer's entitlement to just compensation). The Commission on Indigent Defense, Division of Appellate Defense is to remain associated with the case for the purpose of paying for copying and filing services.

Petitioner has also filed a motion to hold the time limits in this matter in abeyance pending the decision as to the appointment of counsel. Because this matter has been held in abeyance pursuant to Rule 240(b), SCACR, the motion to hold the matter in abeyance is denied as moot.

W. Beatty C.J.  
J. W. Kittling J.  
J. Jones J.  
D. M. In J.

Few, J., not participating

Columbia, South Carolina  
May 17, 2023

cc:  
William Harry Ehlies, II, Esquire  
Derek Joseph Enderlin, Esquire  
W. Edgar Salter, III, Esquire  
Melody Jane Brown, Esquire