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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 WITHDRAW AS COUNSEL

The undersigned counsel hereby moves to withdraw as counsel of record for the Petitioner, Justen Lee Wilkes, in the above-captioned case.

Petitioner retained Undersigned counsel to represent him on his PCR application only as agreed upon. Upon dismissal of his PCR, Undersigned Counsel filed the Notice of Appeal from the Order of Dismissal pursuant to an attorney’s obligation to do so and it was understood that Undersigned would not be perfecting the appeal. In several letters and Webex meetings since filing the Notice of Appeal, Petitioner was further advised of his options for appellate counsel: an SCCID attorney, retaining other private counsel, or proceeding *pro se*. Petitioner expressed his wish to pursue SCCID representation and has been provided with the SCCID Affidavit of Indigency form several times as well as SCCID’s mailing address. Petitioner was also repeatedly advised that time

was of the essence in completing the SCCID process as quickly as possible due to transcript order deadlines.

For several weeks during this time period, Petitioner was at Broad River Correctional Institution due to being placed on suicide watch and was observably not in a state of mind to make an arrangement regarding his appeal. Upon leaving the mental health unit at Broad River and returning back to Lee Correctional Institution, Undersigned had another Webex with Petitioner regarding his need to complete the Affidavit of Indigency form. Petitioner was cooperative during this meeting and his demeanor and statements did not raise the same concerns about his state of mind and capability to understand and carry out decisions regarding his appeal. Petitioner was provided with another copy of the Affidavit of Indigency form, and he advised would complete the form and mail it to the provided SCCID mailing address.

As of the date of this Motion, SCCID has not yet received the Affidavit of Indigency form back from Petitioner. Undersigned respectfully requests to be removed as counsel for Petitioner because: their obligation to file the Notice of Appeal has been fulfilled; the agreed upon scope of representation did not encompass the appeal and an outstanding balance remains on fees for the PCR representation; Petitioner has expressed an intention to have an SCCID attorney take over representation; Petitioner has been thoroughly advised on the process to obtain SCCID representation and was provided with the Affidavit of Indigency of Form.

WHEREFORE Counsel respectfully moves to withdraw as appellate counsel and be relieved of any further obligation in this matter.

Respectfully submitted,

William G. Yarborough, III

Lauren Carole Hobbis

By: s/ Lauren C. Hobbis, #103190

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