

The Supreme Court of South Carolina

Kneshon Pino, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2023-001051

ORDER

The petitioner's counsel Thurmond Brooker served and filed a notice of appeal in this case on June 30, 2023. Although Mr. Brooker initially advised this Court that he ordered the transcript of the post-conviction relief hearing on July 12, 2023, the Court was later advised that Mr. Brooker failed to pay the court reporter for the transcript. After Mr. Brooker failed to respond to follow-up emails and a letter from the Clerk's Office, the Court issued an order on November 16, 2023, requiring Mr. Brooker to provide proof that he submitted payment for the transcript by November 21, 2023. Again, Mr. Brooker failed to respond. It was only after the Clerk's Office contacted Mr. Brooker on November 28, 2023, that Mr. Brooker submitted payment for the transcript on November 29, 2023. The transcript was delivered on December 4, 2023.

On January 5, 2024, two days after the petition for a writ of certiorari and appendix were due to be served and filed, the Clerk's Office emailed Mr. Brooker to notify him that the petition for a writ of certiorari was overdue. After Mr. Brooker failed to respond, the Clerk's Office followed up with a letter on January 10, 2024, explaining that "[f]ailure to file the petition and appendix within ten days . . . may result in the dismissal of this matter." To date, Mr. Brooker has failed to serve and file the petition for a writ of certiorari and appendix, and this case has now been pending for six months and twenty-six days.

Despite Mr. Brooker's failure to respond to the Court and to comply with appellate court deadlines, this Court declines to dismiss this case because doing so would prejudice the petitioner. Rather, we find it appropriate to relieve Mr. Brooker as

counsel to prevent Mr. Brooker's inactions from harming the petitioner and to prevent any further delay in this case. This case will be held in abeyance for thirty days for the petitioner to obtain new counsel or notify this Court that he has submitted an affidavit of indigency and application for appellate counsel to the South Carolina Commission on Indigent Defense, Division of Appellate Defense.



FOR THE COURT C.J.

Columbia, South Carolina
January 25, 2024

cc:
Thurmond Brooker
Mark Reynolds Farthing
Robert Michael Dudek