



# The Supreme Court of South Carolina

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January 25, 2024

Kneshon Pino, #303317  
Kershaw Correctional Institution  
4848 Gold Mine Hwy  
Kershaw, SC 29067

Re: Kneshon Pino v. State  
Appellate Case No. 2023-001051

Dear Mr. Pino:

Please find enclosed a copy of the order of the Court in this matter. I have also enclosed an affidavit of indigency from the Commission on Indigent Defense.

Very truly yours,

*Patricia A. Howard*

CLERK

cc: Mark Reynolds Farthing  
Robert Michael Dudek

# The Supreme Court of South Carolina

Kneshon Pino, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2023-001051

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## ORDER

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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

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF \_\_\_\_\_ )

AFFIDAVIT OF INDIGENCY

Case Name \_\_\_\_\_

Criminal Case No. \_\_\_\_\_

Current Address: \_\_\_\_\_

Are you incarcerated? \_\_\_\_\_ Yes (If "Yes") Where? \_\_\_\_\_  
\_\_\_\_\_ No

What were you convicted of? \_\_\_\_\_

What was your sentence? \_\_\_\_\_

Are you appealing from \_\_\_\_\_ a trial, \_\_\_\_\_ a guilty plea \_\_\_\_\_ a post-conviction relief hearing?

In what county was this trial/hearing/guilty plea held? \_\_\_\_\_

Presiding Judge's name? \_\_\_\_\_

Date of trial/guilty plea or post-conviction relief hearing \_\_\_\_\_

Were you represented by \_\_\_\_\_ a court-appointed attorney \_\_\_\_\_ public defender or \_\_\_\_\_ retained counsel?

Name of attorney/public defender? \_\_\_\_\_

If retained, how much did you pay for attorney fees? \$ \_\_\_\_\_

If you still owe money to your attorney, how much? \$ \_\_\_\_\_



1. Are you presently employed? Yes \_\_\_\_\_ No \_\_\_\_\_

a. If "yes," state the amount of your salary or wages per month, and give the name and address of your employer. \_\_\_\_\_

b. If "no," state the name and address of last employment, date of termination of employment, and amount of your salary or wages per month. \_\_\_\_\_

2. List by name, age and relationship to you, any persons who are dependent upon you for support. Indicate beside each how much you contribute toward their support. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

3. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or form of self-employment?

Yes \_\_\_\_\_ No \_\_\_\_\_

b. Rent payments, interest or dividends?

Yes \_\_\_\_\_ No \_\_\_\_\_

c. Pensions, annuities or life insurance payments?

Yes \_\_\_\_\_ No \_\_\_\_\_

d. Gifts or inheritance?

Yes \_\_\_\_\_ No \_\_\_\_\_

e. Any other sources?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months. \_\_\_\_\_

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4. Do you own cash, or do you have any money in a checking or savings account?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer is "yes," state the total amount of the cash owned. \$ \_\_\_\_\_

5. Do you own any real estate, stocks, bonds, notes or other valuable property (excluding ordinary household furnishings and clothing)? Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer is "yes," describe the property and state the appropriate value of the items owned. \_\_\_\_\_

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6. What kind of motor vehicle do you own? \_\_\_\_\_

Is it paid for? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, what are the monthly payments? \$ \_\_\_\_\_

7. How much do you owe (on liens, mortgages, other encumbrances or debts)? \_\_\_\_\_

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I do solemnly swear that the account by me delivered into this Court does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I, or any person in trust for me, have or at the time of my possession had, or am, or was, in respect, entitled to, in possession, remainder or reversion and that I have not at any time since charges were made against me or before, directly or time since charges were made against me or before, directly or indirectly sold, leased, assigned or otherwise disposed of or made over, in trust for myself or otherwise, other than is mentioned herein.

I understand that the State shall file a claim against me in an amount equal to the cost for representation, but that such claim shall not constitute a lien against my property, unless, the claim is reduced to judgment by the Order of the Court after giving me at least thirty days' notice.

Under penalty of perjury, I certify that the information give by me on this affidavit is true and correct, and I understand that I will be subject to civil and/or criminal penalties if I knowingly furnish false information.

I am financially unable to employ counsel.

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Defendant

I understand that I am entitled to at least thirty days' notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Defendant

SUBSCRIBED AND SWORN to before  
me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC FOR SOUTH CAROLINA

My commission Expires: \_\_\_\_\_

**The Supreme Court of South Carolina**

PATRICIA A. HOWARD, CLERK OF COURT

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KNESHON PINO, 303317  
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