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Mar 01 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Certiorari to Cherokee County

Honorable William A. McKinnon, Circuit Court Judge

RICHARD DOUGLAS WALDRUP,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2022-001380

RETURN TO MOTION TO RELIEVE COUNSEL

Undersigned counsel has received this Court's February 14, 2024, letter in which this Court requested counsel to file a return to the above-captioned petitioner's motion to relieve counsel within ten days of the date of the Court's letter. In support of this return, the undersigned would show this Court:

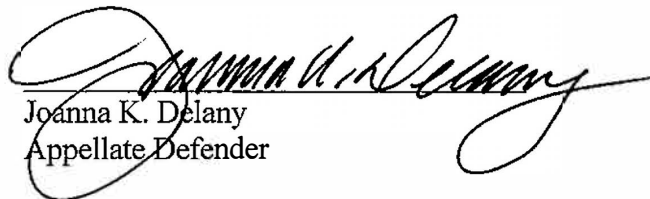
(1) Undersigned counsel in good faith intended to file this return on or before February 24, 2024. Yesterday, undersigned counsel realized she had inadvertently failed to timely file the return.

(2) On February 16, 2023, prior appellate counsel filed the Petition for Writ of Certiorari pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), the Petition to be Relieved as Counsel, and the Appendix in the above-captioned case.

(3) Petitioner Waldrup was informed when the prior appellate defender filed the Johnson Petition for Writ of Certiorari, that the Petition to be Relieved as Counsel did not mean that counsel did not wish to represent him. However, since Petitioner Waldrup wishes for undersigned counsel to be relieved, undersigned counsel does not oppose that request, and leaves the matter to the sound discretion of this Court.

WHEREFORE, undersigned counsel respectfully requests that this Court (1) accept this return; and (2) grant Petitioner such relief as the Court deems proper in its sound discretion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joanna K. Delany", written over a horizontal line.

Joanna K. Delany
Appellate Defender

Attorney for Petitioner

This 1st day of March, 2024.

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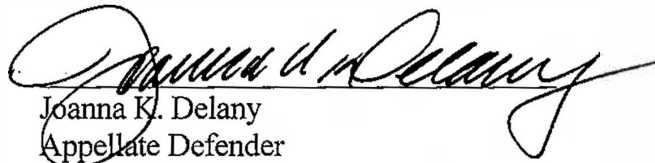
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Return to Motion to Relieve Counsel in the above referenced case has been served upon opposing counsel, Mark Reynolds Farthing, Esquire at the primary e-mail address listed in the Attorney information System (AIS); and on Richard Douglas Waldrup, #360887, at MacDougall Correctional Institution, 1516 Old Gilliard Rd, Ridgeville, SC 29472, this 1st day of March, 2024.



Joanna K. Delany
Appellate Defender

Attorney for Petitioner

From: [Warren, Kaylynn](#)
To: [Mark Farthing](#)
Cc: [Delany, Joanna](#); [Caroline Collins](#)
Subject: 2022-001380 Richard Douglas Waldrop v. The State
Date: Friday, March 1, 2024 12:37:00 PM
Attachments: [2022-001380 Richard Douglas Waldrop v. The State Return to Motion to Relieve Counsel.pdf](#)

Good Afternoon,

Attached for service in the above-referenced case is the Return to Motion to Relieve Counsel which will be filed today, March 1, 2024, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

Kaylynn Warren

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330