

RECEIVED

Jul 25 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2023-GS-26-0428; 2023-GS-26-0429

Ex Parte: LaFredia Todd,

Appellant

In Re:

The State of South Carolina,

Plaintiff,

v.

LaFredia Todd,

Defendant.

NOTICE OF APPEAL

On June 28, 2024, Appellant sought *ex parte* funding to hire a defense expert in the case of *State v. LaFredia Todd*. The Honorable Benjamin H. Culbertson denied this order on July 2, 2024.


On July 3, 2024, Appellant filed a Motion for Reconsideration of the July 2, 2024 Order.

In that motion, Appellant requested an *ex parte* hearing on the request for funding. The Court declined to set an *ex parte* hearing. On July 15, 2024, Judge Culbertson issued an Order denying the motion for reconsideration.

Appellant now appeals Judge Culbertson's orders from July 2, 2024 and July 15, 2024 as well as the lower courts refusal to schedule an *ex parte* hearing.¹ Both of these orders are filed under seal with the Horry County Court of General Sessions.



Stuart Mark Axelrod
Axelrod & Associates, P.A.
4701 Oleander Drive
Myrtle Beach, SC 29577
stuart@gotaxelrod.com
(843) 916-9300



James C. Galmore
Public Defender of Horry County
1300 2nd Ave. Suite 301
Conway, SC 29526
galmore.james@horrycountysc.gov
843-915-5385

Date: July 25, 2024

¹ Appellant asserts that the denial of a request for funding is appealable separate and apart from the underlying criminal case. *See Ex Parte Brown*, 393 S.C. 214, 711 S.E.2d 899 (2011) (appeal from the denial of a motion to exceed the statutory cap on attorney funding) ;*see also, Ex parte Lexington Cnty.*, 314 S.C. 220, 222, 442 S.E.2d 589, 591 (1994) (appeal arising from “the trial court's orders allowing representatives of the county council to participate in and members of the press to attend an *ex parte* hearings held pursuant to provisions of our death penalty statute to determine the reasonableness and necessity of investigative and expert services required for both petitioners' death penalty defenses.”). Appellant also suggest that the appeal of this issues should proceed *ex parte*. *See* S.C. Code Ann. § 17-3-50 (“Upon a finding in *ex parte* proceedings that investigative, expert, or other services are reasonably necessary for the representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall order the payment...”); *see also, Ex parte Lexington Cnty.*, 314 S.C. 220, at 227, 442 S.E.2d at 593 (“*ex parte* is a ‘judicial proceeding ... taken ... for the benefit of one party only, and without notice to, or contestation by, any person adversely interested.’” (internal citation omitted)).

RECEIVED

Jul 25 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2023-GS-26-0428; 2023-GS-26-0429

Ex Parte: LaFredia Todd,

Appellant

In Re:

The State of South Carolina,

Plaintiff,

v.

LaFredia Todd,

Defendant.

CERTIFICATE OF SERVICE

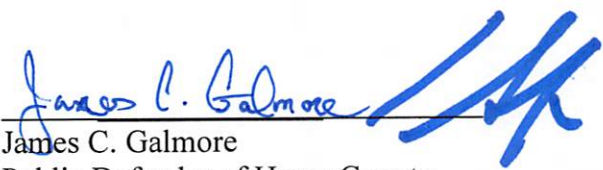
Counsel certifies that on July 25, 2024, a copy of the Notice of Appeal was sent to the Horry County Clerk of Court. Due to the fact that this appeal is from an *ex parte* hearing counsel has not served the prosecutor in the underlying criminal case. *See Ex parte Lexington Cnty.*, 314 S.C. 220, at 227, 442 S.E.2d at 593 (“*ex parte* is a ‘judicial proceeding ... taken ... for the benefit

of one party only, **and without notice to, or contestation by, any person adversely interested.**”

(internal citation omitted) (emphasis added).



Stuart Mark Axelrod
Axelrod & Associates, P.A.
4701 Oleander Drive
Myrtle Beach, SC 29577
stuart@gotaxelrod.com
(843) 916-9300



James C. Galmore
Public Defender of Horry County
1300 2nd Ave. Suite 301
Conway, SC 29526
galmore.james@horrycountysc.gov
843-915-5385

Date: July 25, 2024