

# BARRETT • MACKENZIE, L.L.C.

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November 18, 2024

**RECEIVED**

**Nov 18 2024**

**SC Court of Appeals**

David Lee Trevino, Inmate 00395598  
Dorm/Room/Bunk: C1A-0018-X  
Kirkland Reception and Evaluation Center  
4344 Broad River Road  
Columbia South Carolina 29210

## LEGAL MAIL

RE: The State, Respondent v. David Lee Trevino, Appellant  
Appellate Case No. 2024-001867

Dear David:

Enclosed please find another copy of the letter I sent to The South Carolina Court of Appeals on November 12, 2024 along with a letter from the court dated November 15, 2024.

Please be advised that you must personally inform the Court of Appeals in writing of any arguable basis that there are issues preserved for appeal. This must be done within 20 days of the date of this letter (no later than December 8, 2024). The court's address is as follows:

South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

I will be glad to assist you in any way possible. Thank you.

Best regards,



Andrew Mackenzie

Enclosure as noted

cc: Jenny Kitchings, Clerk of Court  
Alan McCrory Wilson, Esquire  
Mark Reynolds Farthing, Esquire  
Anthony Joseph McCollum, Jr., Esquire

Meghan Alexandra Gasser, Esquire  
Robert Michael Dudek, Esquire

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November 12, 2024

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Catherine Harrison  
Deputy Clerk  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: The State v. David Lee Trevino  
Appellate Case No. 2024-001867

Dear Ms. Harrison:

Thank you for your letter dated November 5, 2024. I am happy to respond.

I am aware of the provisions of Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules. With candor to the tribunal, I am unable to give an explanation showing that there is an issue to which can be reviewed on appeal. Mr. Trevino instructed me to file a notice of appeal. I therefore believe it was my duty to do so.

Nevertheless, I am respectfully requesting that the appeal not be dismissed at this time. I was retained to represent Mr. Trevino throughout the proceedings below. He is now indigent as he is incarcerated in the department of corrections. I have already contacted the South Carolina Commission on Indigent Defense ("SCIDD") about taking over the appeal. SCIDD requested an Affidavit of Indigency and Application for Counsel signed by Mr. Trevino. I mailed such an affidavit to Mr. Trevino on November 6, 2024, but I have not yet received it back from him. I will follow up immediately. I respectfully request that the decision about the dismissal of the appeal be delayed at least until new counsel can be appointed and be allowed to give input. Thank you for your attention to this matter.

Respectfully,



Andrew Mackenzie  
South Carolina Bar #66293

cc: Alan McCrory Wilson, Esquire  
Mark Reynolds Farthing, Esquire  
Anthony Joseph McCollum, Esquire  
Meghan Alexandra Gasser, Esquire  
Robert Michael Dudek, Esquire  
W. Lawrence Brown, Esquire



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

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November 15, 2024

Mr. Andrew Ross Mackenzie, Esquire  
100 Mills Ave.  
Greenville SC 29605

Re: The State v. David L. Trevino  
Appellate Case No. 2024-001867

Dear Counsel:

This Court has received your explanation for appealing.

Please forward your explanation to your client, along with a statement that your client has twenty (20) days from the date of your transmittal letter to inform this Court in writing of any arguable basis that there are issues preserved for appeal. Please provide your client with the Court's address:

South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Please send your letter to your client within ten (10) days, with a copy to this Court, or this appeal will be dismissed.

Very truly yours,

  
CLERK

cc: Alan McCrory Wilson, Esquire  
Mark Reynolds Farthing, Esquire  
Anthony Joseph McCollum, Jr., Esquire  
Meghan Alexandra Gasser, Esquire  
Robert Michael Dudek, Esquire