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Jan 06 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Robert E. Hood, Circuit Court Judge

Case Numbers:
2022-GS-40-5213
2022-GS-40-5214
2022-GS-40-5215
2022-GS-40-5216

The State,

Respondent,

v.

Nathan Miles Ginter,

Appellant.

NOTICE OF MOTION AND MOTION TO BE RELIEVED
AS COUNSEL AND TO HAVE INDIGENT COUNSEL APPOINTED

On or about June 12, 2024, the Appellant was convicted of four charges of Unlawful Neglect of a Child, in the Richland County Court of General Sessions. Due to his absence from the state, the sentence was not imposed until October 22, 2024. At sentencing the Defendant announced to the Court that he no longer wanted the undersigned to represent him.

Although the undersigned Counsel's representation of the Appellant specifically does not include any representation for an appeal from a conviction in General Sessions Court, a Notice of Appeal has been timely filed pursuant to Rule 203 of the South Carolina Appellate Court Rules, in order to protect the Appellant's right to an appeal.

When approached by Counsel, the Appellant refused to complete and sign an Affidavit of Indigency.

The Appellant has been incarcerated for an extended period of time and upon information and

belief, is in fact indigent.

Accordingly, the undersigned hereby moves for an Order of this Honorable Court, relieving him as Counsel for the Appellant, and should the Court find it appropriate to do so, appointing Counsel to represent the Appellant in this appeal. Should the Court find that the Appellant is not indigent, the undersigned would pray for an Order relieving him as Counsel and issuing its Order requiring the Appellant to retain private Counsel or to represent himself pro se.

Respectfully submitted,

s/ Brett A. Perry

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January 6, 2025
Camden, South Carolina

PERRY LAW FIRM

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SC Court of Appeals

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January 6, 2025

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: The State vs. Nathan Miles Ginter
Case Numbers: 2022-GS-40-5213, 2022-GS-40-5214, 2022-GS-40-5215 and 2022-GS-40-5216

Via E-mail ONLY: ctappfilings@sccourts.org – January 6, 2025

Dear Ms. Kitchings:

Please find herewith, a Motion to be Relieved as Counsel in the above referenced matter. By way of this letter, I am also requesting an extension of time in which to obtain transcripts and to allow this appeal to be taken over by the South Carolina Office of Indigent Defense.

I was just recently advised that I am still listed as Counsel of Record for Nathan Miles Ginter, on the matters referenced herein above. While I was hired to represent Mr. Ginter, after his sentencing and incarceration, he found himself to be destitute and I had him execute an Affidavit of Indigency. I hand delivered the Affidavit of Indigency along with the Notice of Intent to Appeal and Sentencing Sheets to the office of the South Carolina Commission on Indigent Defense. I personally gave those documents to Mr. Young at that office during a brief meeting between the two of us.

Up until now I have been under the impression that SCCID had undertaken to represent Mr. Ginter based upon the Affidavit that I provided. As I now understand it, SCCID is unable to find the Affidavit of Indigency and they have as a result, not yet taken over as Appellate Counsel.

I am out of the Country and have protection from Court Administration until January 19th. As I am not in my office I do not have access to the paper file for Mr. Ginter and I cannot find in my computer system where it was ever scanned in as a PDF. SCCID is continuing to try to find the Affidavit, but I will not be able to get a copy to anyone until I am back in office on January 20th.

Accordingly, I thought it prudent to request an extension of time in which to obtain Transcripts and to file a Motion to be Relieved as Counsel. I will continue to try to assist from abroad and will see that these matters are sorted out completely, as soon as I get back.

Thank you in advance for confirming receipt and filing of this Motion and letter.

Sincerely,

Brett A. Perry

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