

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM SPARTANBURG COUNTY
COURT OF GENERAL SESSIONS
Hon. Grace Gilchrist Knie, Circuit Court Judge

RECEIVED
FEB 24 2025
SC Court of Appeals

Appellate Case No. 2024-001945

State, Respondent,
v.
Sheila Marie Scruggs, Appellant.

MOTION TO BE RELIEVED AND TO STAY

The undersigned represented Appellant Sheila Marie Scruggs in a Rule 29 Motion in General Sessions. Counsel's written fee agreement clearly limits representation to the case in General Sessions and explicitly excludes representation on appeal. At the conclusion of the General Sessions matter the Appellant instructed counsel to file an appeal if she did not prevail. Counsel advised Appellant that he would file the notice of appeal to protect her right to an appeal but would not represent her in the appeal. Appellant indicated that she understood this.


Upon filing of the appeal, counsel provided the Appellant with an SCCID affidavit form to complete and send to SCCID to allow SCCID the ability to evaluate her case for representation. Upon conferring with SCCID it appears that despite having almost three months to do so, the Appellant has not completed and returned the SCCID

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SOUTH CAROLINA

affidavit to either counsel or SCCID. On November 13, 2024 counsel informed the Appellant in writing that the failure to do one of the following immediately may result in her appeal being dismissed: immediately retain an attorney to handle the appeal; immediately provide SCCID with the necessary paperwork for them to evaluate her eligibility; or immediately notify the court of appeals and attorney general that she will represent herself. It appears that Appellant has failed to take any action whatsoever.

The undersigned therefore moves to be relieved as counsel of record in this case and further that the time for ordering the transcript be stayed for thirty days following the release of counsel to allow the Appellant to be notified of the Court's decision and to take whatever action she deems appropriate if she intends to proceed with the appeal in this case.

A copy of the Court's January 30, 2025 letter and another SCCID affidavit are being provided to the Appellant with a copy of this Motion.



s/J. Falkner Wilkes
J. Falkner Wilkes (SC Bar #12893)
248 Deerwood Park Drive
Oakland, MS 38948
(864) 421-4618

Counsel for Appellant

February 3, 2025.

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CERTIFICATE

I certify that I have served the Motion to be Relieved as Counsel and to Stay Time on the Respondent by delivering a copy of same on this the 3rd day of February, 2025, addressed to counsel of record via electronic delivery to counsel’s AIS email address as follows:

Alan McCrory Wilson, Attorney General
S.C. Attorney General's Office
1000 Assembly St.
Capital And Collateral Litigation Div.
Columbia, SC 29201
(803) 734-3131.
Via AIS email only to: agwilson@scag.gov

Mr. Barry Joe Barnette
Seventh Circuit Solicitor's Office
Spartanburg Cnty. Courthouse
180 Magnolia St.
Spartanburg, SC 29306
Via AIS email only to: bbarnette@spartanburgcounty.org

and to:


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Hon. Jenny Abbott Kitchings, Clerk
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1220 Senate Street
Columbia, SC 29201
Via email only to: ctappfilings@sccourts.org

Robert Michael Dudek
S.C. Commission on Indigent Defense
PO Box 11589
Columbia, SC 29211
Via AIS email only to: rdudek@sccid.sc.gov

The Hon. Amy W. Cox
Spartanburg County Clerk of Court
PO Box 3483
Spartanburg, SC 29304-3483

Shelia Scruggs
POB 691
Roebuck, SC 29376
Appellant


s/J. Falkner Wilkes
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Counsel for Appellant

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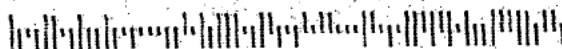
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