

STATE OF SOUTH CAROLINA

) THE SOUTH CAROLINA COURT OF APPEALS  
) APPELLATE CASE NO. 2024-002105  
)  
)

STATE OF SOUTH CAROLINA

PLAINTIFF,

) NOTICE OF MOTION  
) TO BE RELIEVED  
)  
)

V.

BRANDON BURGESS,

DEFENDANT.

**RECEIVED**

**Apr 25 2025**

**SC Court of Appeals**

YOU WILL PLEASE TAKE NOTICE THAT, Carla E. Falk-Todd, Esquire, Attorney for the Defendant, will move before the Presiding judge for the South Carolina Court of Appeals as for an Order relieving the undersigned as counsel of record for the Defendant for the following charges:

2023A2610200058:	Trafficking Methamphetamine	Guilty Jury Trial
2023A2610200059:	Possession with Intent to Distribute Crack Cocaine	Guilty Jury Trial
2023A2610200060:	Possession with Intent to Distribute Fentanyl	Guilty Jury Trial

This Motion will be based upon such statutory and decisional law of South Carolina, as well the applicable Court Rules, as may be appropriate, including but not limited to SCRCR Rule 11(b), South Carolina Appellate Court Rule 407, and "Rules of Professional Conduct" Rule 1.16. Said motion will be made on the following grounds:

1. Attorney, Carla E. Falk-Todd, was retained by Mr. Burgess to represent client for the above charges in the Fifteenth Judicial Circuit, Court of General Sessions. Mr. Burgess

was convicted of the above listed charges at trial in Horry County on December 5, 2024.

2. At the time of conviction, Defendant was indigent. Defendant did not retain Attorney, Carla E. Falk-Todd to represent him for an appeal.
3. Attorney, Carla E. Falk-Todd filed a Notice of Intent to Appeal on Defendant's behalf to protect Defendant's right to an appeal until an Appellate Public Defender could be appointed.
4. On December 21, 2024, Attorney, Carla E. Falk-Todd sent a letter to the Defendant enclosing an Affidavit of Indigency and stated that Defendant must fill it out and return to the SC Commission of Indigent Defense by January 6, 2025.
5. The SC Commission of Indigent Defense Office of Appellate Defense notified Attorney, Carla E. Falk-Todd that they did not receive the Defendant's Affidavit for Indigency by January 6, 2025. In response to being notified, on January 9, 2025, Attorney, Carla E-Falk-Todd requested an additional (60) days' time for Defendant to request a transcript for the underlying case which was granted.
6. On April 15, 2025, Attorney, Carla E. Falk-Todd received a letter from the South Carolina Court of Appeals stating that the time for ordering the transcript has expired.
7. On April 25, 2025, Attorney Carla E. Falk-Todd filed a request for an additional (60) days' time for Defendant to request a transcript for his underlying case in order to protect Defendant's right to appeal until he submits an Affidavit of Indigency in order to have an Appellate Public Defender appointed.
8. The Defendant was served a clocked copy of this Motion via certified mail, return receipt, at Turbeville Correctional Institution ; and

9. Counsel is therefore informed and believes that she is entitled to an order immediately relieving Carla Todd, Esq. of the Falk Todd Law Firm as counsel for the Defendant.

WHEREFORE, for the reasons set forth above, Carla Todd Esq. moves this Honorable Court for an Order:

- a. Relieving Carla Todd, Esq. as counsel for the Defendant in this proceeding; and
- b. For such other and further relief as this Court deems just and proper.

A handwritten signature in cursive script that reads "Carla C. Falk-Todd". The signature is written in black ink and is positioned above the printed name and address.

Carla Todd, Esq.  
Falk Todd Law Firm  
276 Old Augusta Drive  
Pawleys Island, SC 29585  
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April 25, 2025