

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM CHEROKEE COUNTY  
Court of General Sessions

R. Keith Kelly, Circuit Court Judge

---

Indictment Nos.: 2023-GS-11-879

---

The State of South Carolina

Respondent,

v.

Demarcus R. Austin

Appellant.

---

**MOTION TO WITHDRAW AS COUNSEL AND MOTION FOR  
EXTENSION OF TIME TO OBTAIN NEW COUNSEL**

---

Demarcus R. Austin was convicted on December 4, 2024, after a jury trial and was sentenced to life in prison. The undersigned counsel was retained for the criminal case, but not the appeal. In keeping with my duties as defense counsel, I filed the notice of appeal on Kim Leskanic on behalf of Appellant.

The undersigned do hereby respectfully request to be allowed to withdraw as counsel in this matter and be relieved from any further responsibility for this appeal. Counsel is unaware whether Appellant will qualify for the Office of Appellate Defense or whether he intends to retain counsel for his appeal.

In addition, counsel respectfully requests this Honorable Court to allow Appellant 30 days from the date of any order from this Court to obtain new counsel and extend all deadlines accordingly.

**RECEIVED**

MAY 07 2025

SC Court of Appeals

Respectfully submitted,

J. E. Wells

Jennifer E. Wells (SC Bar #69498)  
K.D. Trial Lawyers, P.C.  
178 West Main Street  
Spartanburg, South Carolina, 29306  
(864) 585-5100  
jwells@kdtriallawyers.com

OTHER COUNSEL OF RECORD:  
Kim Leskanic, Deputy Solicitor  
Spartanburg County Solicitor's Office  
125 E. Floyd Baker Blvd  
Gaffney, South Carolina 29340  
kim.leskanic@cherokeecountysc.com

April 29, 2025

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM CHEROKEE COUNTY  
Court of General Sessions

R. Keith Kelly, Circuit Court Judge

---

Case No. 2023-GS-11-879

---

State of South Carolina,

Respondent,

v.

Demarcus R. Austin,

Appellant.

---

ORDER WITHDRAWING COUNSEL

---

This matter comes before the Court upon motion of Jennifer E. Wells to be withdrawn as counsel pursuant to South Carolina Appellate Court Rule 264. In accordance with this rule, Ms. Wells has petitioned this court to withdraw from representation and noticed the adverse party. In addition, Ms. Wells has assisted Mr. Austin in obtaining representation by the Division of Appellate Defense of the Office of Indigent Defense.

Thus, at this time, it is so ordered that Ms. Wells be withdrawn as counsel for the appellant in the above-captioned appeal from Mr. Austin. Further, it is ordered that any and all correspondence, documentation and court notices regarding the above captioned appellate action should be forward to the Division of Appellate Defense of the Office of Indigent Defense, P.O. Box 11433, Columbia, South Carolina 29211.

IT IS SO ORDERED.

---

Judge, South Carolina Appellate Court

\_\_\_\_\_, 2025



KILLOREN  
KISSINGER  
DANTIN  
DENTON &  
DUNHAM, PC

864.585.5100 p | 800.543.2990 | 864.542.2994 f  
178 West Main Street, Spartanburg, South Carolina 29306  
P.O. Box 3547, Spartanburg, South Carolina 29304  
[www.kdtriallawyers.com](http://www.kdtriallawyers.com)

**VIA REGULAR MAIL**

April 29, 2025

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals, Clerk of Court  
P.O. Box 11629  
Columbia, South Carolina 29211

**RECEIVED**  
MAY 07 2025  
SC Court of Appeals

RE: State of South Carolina vs. Demarcus Rashon Austin # 00347629  
Case No.: 2023-GS-11-00879

Dear Ms. Kitchings:

Enclosed please find the Notice of Appeal in the above matter along with Proof of Service, Motion to Withdraw as Counsel and Proposed Order Withdrawing as Counsel. The original notice with proof of service has also been filed with the Cherokee County Clerk of Court. Additionally, I have also enclosed a copy of the indictment and sentencing sheet.

This matter is being referred to the Office of Appellate Defense.

Thank you for your attention to this matter.

Sincerely,

**Jennifer E. Wells, Esq**  
K.D. Trial Lawyers  
178 West Main Street  
Spartanburg, SC 29306

Enclosures

cc: Cherokee County Solicitor's Office  
Office of Attorney General  
Office of Appellate Defense

FIRST CLASS



quadjent  
FIRST-CLASS MAIL  
IMI  
**\$010.99**<sup>g</sup>  
04/30/2025 ZIP 29306  
043M31214420

US POSTAGE

# First Class Mail

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE  
**CERTIFIED MAIL**<sup>®</sup>



7021 2720 0001 5756 8388

**RECEIVED**  
MAY 07 2025  
SC Court of Appeals

**KD TRIAL LAWYERS**

PO Box 3547 • Spartanburg, SC 29304

5-1

The Honorable Jenny Abbott Kitchings  
SC Court of Appeals, Clerk of Court  
P.O. Box 11629  
Columbia, South Carolina 29211

FIRST CLASS