

RECEIVED

May 21 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Horry County

Honorable Alex Hyman, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

BRANDON LAVON BURGESS,

APPELLANT

APPELLATE CASE NO. 2024-002105

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RETURN TO MOTION TO BE RELIEVED

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Undersigned counsel makes this Return in response to Trial Counsel's Motion to Be Relieved. In support of this return, counsel would respectfully show the Court that:

1. The Division of Appellate Defense has not received Appellant's completed affidavit of indigency from Appellant or his trial counsel, Cala E. Falk-Todd, Esquire, as of today's date, May 21, 2025. Counsel understands that trial counsel Falk-Todd sent appellant an affidavit of indigency on January 6, 2025, and this office sent appellant another affidavit of indigency on May 16, 2025 since we had not received the completed affidavit of the prior affidavit of indigency form that was sent to him. Consequently, this office cannot determine if Appellant Brandon Burgess is indigent and eligible for representation on appeal by this Office at this time.

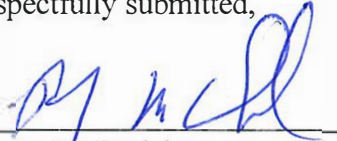
2. Undersigned counsel will promptly review Appellant's affidavit of indigency if it is

received by this office. The Division of Appellate Defense will assume representation of Appellant if he is determined to be indigent. However, this office cannot assume representation of appellant prior to that indigency determination.

3. Undersigned counsel takes no position on trial counsel Falk-Todd's Motion to Be Relieved at this time given the uncertainty about Appellant's indigency status, and therefore leaves the motion to the sound discretion of this Court.

WHEREFORE, undersigned counsel takes no position on trial counsel Falk-Todd's Motion to Be Relieved at this time and leaves the matter to the sound discretion of this Court.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

This 21st day of May, 2025.

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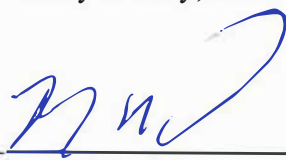
APPELLATE CASE NO. 2024-002105

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CERTIFICATE OF SERVICE

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The undersigned attorney hereby certifies that a true copy of the Return to the Motion to Be Relieved in the above referenced case has been served upon Carla Falk Todd, Esquire, and Mark R. Farthing, Esquire, at their primary e-mail addresses listed in the Attorney Information System (AIS); and on Brandon L. Burgess, #311554, at Turbeville Correctional Institution, 1578 Clarence Coker Highway, Turbeville, SC 29162, this 21st day of May, 2025.

  
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Robert M. Dudek  
Chief Appellate Defender