



ALAN WILSON
ATTORNEY GENERAL

November 7, 2013

Brendan M. Delaney, Esquire
P.O. Box 2421
Spartanburg, South Carolina 29304

RE: State v. Lamar Graves
2005-GS-42-076

Dear Mr. Delaney:

Please find enclosed a copy of a letter our office received from your client, Lamar Graves in which he requests appointment of counsel for his appeal from the denial of a motion for new trial based on newly discovered evidence pursuant to Rule 29 (B) SRCrimP. Although State v. Clinkscales, 318 S.C. 513, 458 S.E.2d 548 (1995); indicates that a defendant is not entitled to counsel on a motion for new trial on the ground of after discovered evidence, it appears you were appointed as counsel for that purpose by court order. It also appears that the South Carolina Court of Appeals considers you counsel for the appeal pursuant to its October 8, 2013 letter. I will continue to communicate with you as counsel for Mr. Graves unless and/or until I receive an order from the South Carolina Court of Appeals relieving you as counsel in accordance with Rule 602, SCACR.

Sincerely,

Salley W. Elliott
Senior Assistant Deputy Attorney General

SWE/ab
Enclosure

cc: The Honorable Jenny A. Kitchings

RECEIVED

NOV 14 2013

SC Court of Appeals

DEAR ATTORNEY GENERAL OFFICE,

SE
Rec'd full

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ATTORNEY GENERAL'S OFFICE

RE: THE STATE V. LAMAR GRAVES
APPELLATE CASE NO. 2013-001873

BRENDAN BELANEY SAID HE IS NO FURTHER ABLE TO ASSIST ME ON MY APPEAL OF THE DENIAL OF SAID MOTION IN THE ABOVE MATTER, AN HAS REFERRED ME TO THE SC, SUPREME COURT, AN S.C. ATTORNEY GENERAL OFFICE IF I DESIRE TO CONTINUE ON THE APPEAL, SAYING THE ONLY DOCUMENT FILED WITH THE SOUTH CAROLINA COURT OF APPEALS IS MY NOTICE OF INTENT TO APPEAL, SO I AM MEETING YOUR OFFICE TO INQUIRE AS TO HOW TO ADVISE ME TO PROCEED ON MY APPEAL OF THE DENIAL OF MY MOTION, I WOULD REQUEST THIS COURT TO APPOINT COUNSEL PUR. TO RULE 608 TO SERVE AS MY ATTORNEY OR IF NOT TO CONVENE THIS MATTER FOR A HEARING PUR. RULE 29(B) APPEAL SO I CAN CONTINUE MY APPEAL SOON AS POSSIBLE OR NOTIFY ME AS TO WHO OR WHAT I NEED TO DO TO CONTINUE THIS APPEAL,

Thanks
Mr Lamar Graves #272024

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SC Court of Appeals
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LEGAL MAIL

OCT 30 2013
Referred to Elliott/dm
Answered _____