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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Wanda H. Carter, Chief Appellate Defender

RECEIVED

Nov 05 2025

SC Court of Appeals

November 05, 2025

The Honorable Jenny Abbott Kitchings
PO Box 11629
Columbia, SC 29211

Re: The State v. Victor M. Pogue (Appellate Case No. 2025-001677)

Dear Ms. Kitchings:

Please accept this letter from Appellate Defense in lieu of a return to the motion to withdraw filed in the above titled case.

Victor M. Pogue was convicted of possession of a weapon by persons not authorized and possession with intent to distribute marijuana on August 15, 2025, at the Richland County General Sessions Court before Judge Milton G. Kimpson. Mr. Pogue was represented by Attorney Michael Vincent Laubshire, who filed a timely notice of appeal with this Court on August 19, 2025.

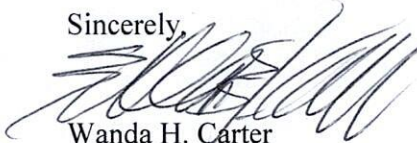
On August 20, 2025, our office sent correspondence via e-mail to Attorney Laubshire with an attached indigency affidavit to deliver to Mr. Pogue. Thereafter, Mr. Pogue's indigency affidavit was received in our office; however, a review of the same revealed that he earned in excess of the poverty guidelines listed for him to qualify for representation by our office. On September 29, 2025 a letter was sent advising Mr. Pogue that he did not meet the qualifications for indigent representation by Appellate Defense. Mr. Pogue sent a letter to Attorney Laubshire indicating in effect that the information he listed regarding his financial status in the indigency application was not accurate.

On October 2, 2025, this Court received Attorney Laubshire's motion to withdraw from the case. Our office has no objection to Attorney Laubshire's motion to withdraw. Additionally, our office has no objection to representing Mr. Pogue on appeal provided he meets the guidelines that characterize his status as indigent. Presently, it appears from Mr. Pogue's recent correspondence that his answers to questions on the initial indigency application were not correct. Mr. Pogue may submit an amended indigency application reflecting a precise accounting of his financial status, which our office will review anew in order to determine whether he qualifies as an indigent client. If so, our office will perfect Mr. Pogue's appeal. As of today's date, our office

has mailed another indigency application out to Mr. Pogue for him to complete and return via mail.

It is our understanding that the appeal is being held in abeyance pending a resolution in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wanda H. Carter', written in a cursive style.

Wanda H. Carter
Chief Appellate Defender

WHC/dw

cc: Michael Laubshire, Esquire
Victor M. Pogue, # 00398327