

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
J. Michael Baxley, Circuit Court Judge

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Indictment Nos. 2011-GS-32-0242  
2011-GS-32-0243  
2011-GS-32-0244

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EX PARTE:

South Carolina Department of Disabilities  
And Special Needs, ..... Appellant.

IN RE:

The State of South Carolina, ..... Respondent,

v.

Rocky A. Linkhorn, ..... Respondent.

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MOTION TO ASSOCIATE COUNSEL

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Respondent Rocky Linkhorn moves for an order from the Court associating the Appellate Division of the South Carolina Commission on Indigent Defense for the purpose of the costs and printing necessary to defend this appeal. He would show the Court:

1. He is charged in the Court of General Sessions for Lexington County with criminal sexual conduct with a minor in the first degree, lewd act on a minor, and disseminating obscene material to a minor. The Honorable William P. Keesley found him incompetent to stand trial and

ordered the solicitor's office to initiate involuntary commitment proceedings in the Lexington County Probate Court pursuant to S.C. Code Ann. §44-23-430(2).

2. The appellant refused to offer involuntary commitment services to respondent Linkhorn. The Eleventh Circuit Solicitor's office filed a rule to show cause in the circuit court. The case was assigned to the Honorable J. Michael Baxley. After a hearing, Judge Baxley issued the order that is the subject of this appeal.

3. Pursuant to Judge Baxley's order, respondent Linkhorn is now in the custody of the appellant and is housed at the Just Care facility in Columbia, South Carolina.

4. The undersigned counsel is employed by the Eleventh Circuit Public Defender's Office. She was appointed to represent respondent Linkhorn on his substantive criminal charges in the Court of General Sessions for Lexington County. She also represented him at the hearing held before Judge Baxley.

5. Counsel is willing to continue her representation of respondent Linkhorn. However, the circuit defender offices were established to represent persons charged in the trial courts. Counsel's office does not have the equipment or experienced staff to efficiently process the materials necessary to defend this appeal. Moreover, the Eleventh Circuit Public Defender's Office does not have money budgeted for obtaining transcripts or document copying and binding. The office would need to seek reimbursement for the costs of defending this appeal from the South Carolina Commission on Indigent Defense.

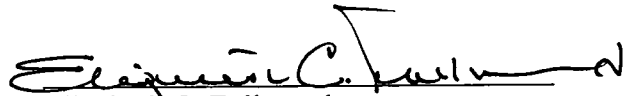
6. The Appellate Division of the South Carolina Commission on Indigent Defense has the staff and expertise to process the paperwork in this case in an efficient and cost-effective manner.

7. This case is before the Court in a unique procedural posture. The subject matter is outside the scope of representation of both the Eleventh Circuit Public Defender's Office and the

Appellate Division of the Commission on Indigent Defense. Nevertheless, as stated before, counsel is willing to continue her representation by writing the briefs and arguing the case before the Court. She merely seeks to have the Appellate Division joined as counsel for the purpose of costs and printing.

THEREFORE, having fully set forth his motion, respondent Linkhorn asks the Court to appoint the Appellate Division of the South Carolina Office of Indigent Defense as counsel for the purpose of costs and printing.

Respectfully submitted,



Elizabeth C. Fullwood  
Public Defender for Lexington County  
Eleventh Circuit Public Defender's Office  
407 1/2 West Main Street  
Lexington SC 29072  
(803) 785-8873

*Counsel for Respondent Rocky A. Linkhorn*

November 15, 2013

Other Counsel of Record:

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S.C. Department of Disabilities  
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*Counsel for Appellant South Carolina Department  
of Disabilities and Special Needs*

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Deputy Solicitor C. Dayton Riddle  
Eleventh Circuit Solicitor's Office  
205 East Main Street  
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*Counsel for Respondent State of South Carolina*

Monique M. Lee  
Office of General Counsel  
S.C. Department of Mental Health  
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(803) 898-8557

*Counsel for South Carolina Department of  
Mental Health*

Robert M. Dudek  
Chief Appellate Defender  
Appellate Division  
S.C. Commission on Indigent Defense  
1330 Lady St., Ste. 401  
Columbia SC 29201

*Counsel for Appellate Division, South Carolina  
Commission on Indigent Defense*

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Rocky Linkhorn,.....Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Associate Counsel on Andrew F. Lindermann and William H. Davidson, II by depositing a copy of it in the United States Mail, postage prepaid, on November 19, 2013, addressed to Andrew F. Lindermann, 1611 Devonshire Drive, P.O Box 8568 Columbia, SC. 29202.



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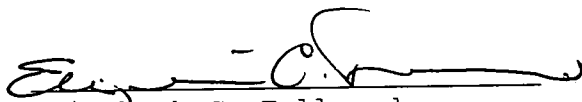
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I certify that I have served the Motion to Associate Counsel on Tana Vanderbilt, S.C. Department of Disabilities and Special Needs, by depositing a copy of it in the United States Mail, postage prepaid, on November 19, 2013, addressed to Tana Vanderbilt, General Counsel, S.C. Department of Special Needs, P.O Box 4706 Columbia, SC. 29240.



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I certify that I have served the Motion to Associate Counsel on Rhonda Patterson and C. Dayton Riddle, by depositing a copy of it in the United States Mail, postage prepaid, on November 19, 2013, addressed to Rhonda Patterson, Assistant Solicitor and C. Dayton Riddle, Deputy Solicitor, 205 East Main Street, Lexington, SC 29072.



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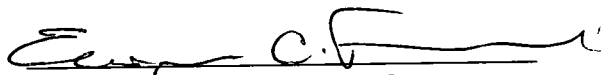
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I certify that I have served the Motion to Associate Counsel on  
Monique M. Lee, by depositing a copy of it in the United States Mail,  
postage prepaid, on November 19, 2013, addressed to Monique M. Lee,  
Office of General Counsel, S.C. Department of Mental Health, 2414 Bull  
Street, P.O. Box 485 Columbia, SC 29202.



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I certify that I have served the Motion to Associate Counsel on Robert M. Dudek, by depositing a copy of it in the United States Mail, postage prepaid, on November 19, 2013, addressed to Robert M. Dudek, Chief Appellate Defender, Appellate Division, S.C. Department of Indigent Defense, 1330 Lady St., Ste. 401, Columbia, SC 29202.



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