

# The South Carolina Court of Appeals

The State, Respondent,

v.

Donald Roger Burr, Appellant.

Appellate Case No. 2026-000665

---

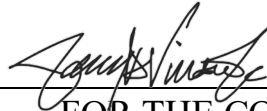
## ORDER

---

On March 11, 2026, Appellant filed a notice of appeal. On March 12, 2026, this court sent a deficiency letter explaining that the notice of appeal was not accompanied by the order and/or sentencing sheets challenged on appeal, written notice of when Appellant received entry of the order or judgment was not provided, a proof of service to the notice of appeal was not provided, proof of filing in the lower court was not provided, and the notice of appeal was not in the proper format. The letter gave Appellant ten days to correct the deficiencies. On March 25, 2026, Appellant filed a motion to appoint counsel, explaining he was indigent and requesting counsel be appointed. On April 2, 2026, this court sent appellate defense a letter requesting Appellate Defense file a return to the motion to appoint counsel within ten days of the date of the letter. On May 14, 2026, Appellate Defense responded, indicating it would mail an affidavit of indigency to Appellant.

After careful consideration, we take no action on the motion to appoint counsel pending correction of the deficiencies explained in the March 12, 2026 letter. Appellant must correct the deficiencies explained in the March 12, 2026 letter within ten days of the date of this order or the appeal may be dismissed. Our records reflect Arthur Kerr Aiken is counsel for Appellant. *See* Rule 602(e)(4), SCACR ("When an accused who desires to appeal claims to be indigent at the conclusion of the trial, his retained counsel must first serve and file a Notice of Appeal as required by Rule 203, SCACR. The accused shall then request a determination of his indigency status from the Office of Appellate Defense. If the Office of Appellate Defense determines that the accused is not indigent, retained

counsel shall continue representation of the accused during the appeal, unless granted leave to withdraw under Rule 264, SCACR. If the Office of Appellate Defense determines that the accused is indigent, it will represent the accused until final judgment, including any proceeding on direct appeal, without retained trial counsel's obtaining leave to withdraw under Rule 264, SCACR. However, retained counsel shall assist in representing the accused in any manner necessary to properly establish the indigency of the accused and properly perfect the appeal, including but not limited to obtaining an affidavit of indigency from the accused, obtaining a Court Order declaring the accused's indigency from either the trial judge or the Chief Administrative Judge of the Circuit, and in any other manner requested by the Office of Appellate Defense." ). Once the deficiencies are corrected, this court will consider the motion to appoint counsel.



J.

FOR THE COURT

Columbia, South Carolina

cc:

Donald Roger Burr, 00400167  
Alan McCrory Wilson, Esquire  
Mark Reynolds Farthing, Esquire  
John Tyler Baxley, Esquire  
Arthur Kerr Aiken, Esquire  
Wanda H. Carter, Esquire

**FILED**  
**May 18 2026**