

CERTIFIED CIRCUIT  
COURT MEDIATOR

ALSO ADMITTED  
GEORGIA BAR

LAW OFFICE OF  
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January 13, 2014

**Via U.S. Mail**

Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**

JAN 13 2014

**SC Court of Appeals**

Re: State v. DeCarlo; (Appellate Case No. 2013-001232)

Dear Ms. Kitchings:

I am writing today in response to your two letters to me in the above-referenced appeal dated January 10, 2014.

As your file should show, I was appointed by Judge Mullen to represent Mr. De Carlo here in Beaufort County. At his and his family's direction, I filed a Notice of Appeal following his pleas and sentencing on May 21, 2013. Pursuant to SCACR 602, I considered my representation of Mr. DeCarlo to have ended on May 31, 2013 when I notified the South Carolina Office of Appellate Defense that I had filed the Notice of Appeal and advised them to take over the appeal per Rule 602. Pursuant to the Rules, I believe I have been automatically relieved as counsel for Mr. DeCarlo and that the Office of Appellate Defense is now responsible for representing Mr. DeCarlo through final judgment.

I am not quite sure why my name continues to show up in your file when the case has now been passed on to the Office of Appellate Defense, and I have written Bob Dudek at the OAD today requesting that he confirm his office now has this case in hand and understands that it is their responsibility to move forward with the appeal and ordering of the transcript. I enclose a copy of that letter for your file.

If, pursuant to Rule 602 (e)(3), the Office of the Appellate Defense requests my reasonable assistance on any transition matter, I will be glad to assist. However, at this moment I am not aware of any such request by that office and thus I am not taking any actions at this time.

Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
January 13, 2014  
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In sum, I ask that you mark the Court of Appeals file to indicate that I have been automatically relieved per Rule 602, and that the Office of Appellate Defense is now representing Mr. DeCarlo in this matter. Unless and until either your office or the Office of Appellate Defense advises me differently, I will assume that this matter is now resolved from my end and I will take no further actions nor will I be ordering the transcript nor preparing any Briefs. Thank you for your assistance and Happy New Year to you and your staff. Please contact me if you have any questions or if my understanding of Rule 602 is inaccurate in any way.

Yours very truly,

**LAW OFFICE OF THOMAS C. TAYLOR, LLC**



Thomas C. Taylor

TCT/dpt

Enclosure(s)

cc: Mr. John DeCarlo  
Bob Dudek, Esq., Office of Appellate Defense  
Bill Harvey, Esq. and Bill Foster, Esq. via e-mail

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January 13, 2014

Via U.S. Mail, Fax (803) 734-1345 and E-Mail to: rdudek@sccid.sc.gov

Mr. Robert Dudek  
Chief Appellate Defender  
Office of Appellate Defense  
South Carolina Commission on Indigent Defense  
P.O. Box 11433  
Columbia, SC 29211-1433

RECEIVED

JAN 15 2014

Re: State v. DeCarlo; Court of Appeals Case No.: 2013-001292 **SC Court of Appeals**

Dear Bob:

I am writing today in follow-up to my letters to Sharon Graham of your office of May 31, 2013 and June 21, 2013, and further in response to Clerk Kitchings' letters to me dated January 10, 2014. Copies of all referenced letters are attached.

As your file should show and as I wrote Ms. Graham last year, I was appointed by Judge Mullen to represent Mr. De Carlo here in Beaufort County. At his and his family's direction, I filed a Notice of Appeal following his pleas and sentencing on May 21, 2013.

Pursuant to SCACR 602, I considered my representation of Mr. DeCarlo to have ended on May 31, 2013 with my letter to Mrs. Graham. Pursuant to the Rules, I believe I have been automatically relieved as counsel for Mr. DeCarlo and that the Office of Appellate Defense is now responsible for representing Mr. DeCarlo through final judgment. I do not know why Ms. Kitchings directed her letters of January 10, 2014 to me, and I want to make sure that you and your office are now representing Mr. DeCarlo and taking care of the requirements such as ordering the transcript noted in her letter of January 10, 2014.

I asked Ms. Graham to confirm that your office was taking over the case in my letter of June 21, 2013, but I don't see a response in my file. So, **I am now asking again, that you confirm to me in writing that your office has this appeal in hand and that you understand that I am no longer representing Mr. DeCarlo.** I will not be ordering the transcript referred to in Ms. Kitchings' letter because I believe it is your office's responsibility to do so. Likewise, I will not be taking any other steps to handle Mr. DeCarlo's appeal because I consider that I have been relieved as counsel.

Mr. Robert Dudek  
Chief Appellate Defender  
Office of Appellate Defense  
January 13, 2014  
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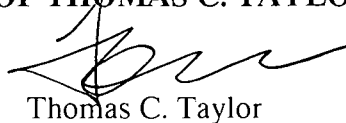
If, pursuant to Rule 602 (e)(3), the Office of the Appellate Defense requests my reasonable assistance on any transition matter, I will be glad to assist. However, at this moment I am not aware of any such request by your office and thus I am not taking any actions at this time.

Bob, please have the courtesy to give me something in writing affirming that your office is now handling this and that you will order the transcript as necessary. As you can imagine, I don't want anything to drop between the cracks that might prejudice Mr. DeCarlo.

I am copying Ms. Kitchings on this letter for her file and writing her one relaying the same information. I am also copying Bill Harvey in Beaufort, who assisted me in representing Mr. DeCarlo. If you have any questions, please do not hesitate to contact me. Thank you

Yours very truly,

**LAW OFFICE OF THOMAS C. TAYLOR, LLC**



Thomas C. Taylor

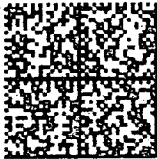
TCT/dpt

Enclosure(s)

cc: Mr. John DeCarlo  
Hon. Jenny Abbott Kitchings, Clerk of Court, SC Court of Appeals  
Bill Harvey, Esq. and Bill Foster, Esq. via e-mail

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Honorable Jenny Abbett Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

29211X1629

