

The South Carolina Court of Appeals

The State, Respondent,

v.

Kevin Choice, Appellant.

Appellate Case No. 2013-002735

ORDER

This is an appeal from the trial court's denial of Appellant's motion for a new trial on the basis of newly discovered evidence pursuant to Rule 29(b) of the South Carolina Rules of Criminal Procedure. Appellant's counsel has filed a motion to be relieved, explaining he was not retained to represent Appellant on appeal. Appellant has filed a pro se motion to appoint counsel.

Counsel's motion to relieve counsel is granted. If Appellant does not obtain new counsel within thirty days, this court will presume Appellant is proceeding pro se. Appellant's motion to appoint counsel is denied. *See State v. Clinkscales*, 318 S.C. 513, 515, 458 S.E.2d 548, 549 (1995) (holding the defendant's motion for a new trial on the ground of after-discovered evidence was not heard and decided at a critical stage of his criminal prosecution; therefore, the defendant's constitutional right to counsel did not extend to his motion for a new trial).


FOR THE COURT

Columbia, South Carolina

cc:

Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire
Ernest Adolphus Finney, III, Esquire
Jeremy Adam Thompson, Esquire

FILED

2/24/14

