

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Georgetown County
Edward B. Cottingham, Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

FRANKLIN E. DENNISON,

APPELLANT.

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MAR 20 2014

SC Court of Appeals

Appellate Case No. 2013-002179

MOTION FOR APPOINTMENT
OF OUTSIDE COUNSEL

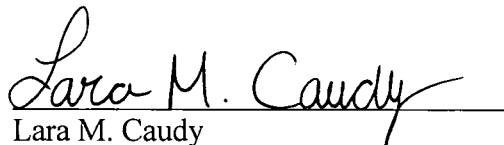
Undersigned counsel respectfully moves this Court to appoint outside counsel to represent Appellant in his direct appeal. Representation of Appellant presents a possible conflict of interest for undersigned counsel for the following reasons:

1. On September 30, 2013, Appellant was tried before the Honorable Edward B. Cottingham in Georgetown County for possession with intent to distribute cocaine base.
2. Appellant was represented by Bobby Frederick and Laura Hiller.
3. Throughout the trial, defense counsel questioned the competency of Judge Cottingham to preside over the trial, and made it the central issue on appeal.
4. On October 2, 2013, the jury found Appellant guilty and Judge Cottingham sentenced him to twenty years imprisonment.

5. Appellant filed a notice of appeal. Due to his indigent status, the Office of Appellate Defense undertook representation.
6. The case was assigned to undersigned counsel on December 16, 2013. Upon a thorough review of the trial transcript, undersigned counsel discussed the case with Chief Appellate Defender, Robert M. Dudek, regarding a conflict of interest with the appointment of this office to represent Appellant. It was determined that a Motion for Appointment of Outside Counsel was the best course of action given that Judge Cottingham is on the Board of the South Carolina Commission on Indigent Defense, and given the extremely unusual substantive issue raised at trial.

WHEREFORE undersigned counsel respectfully requests this Court to appoint outside counsel to represent Appellant in his direct appeal. Furthermore, undersigned counsel respectfully requests this Court hold the timelines for filing in abeyance pending a decision on this motion.

Respectfully submitted,


Lara M. Caudy

Appellate Defender

Attorney for Appellant

This 20th day of March, 2014

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Georgetown County
Edward B. Cottingham, Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

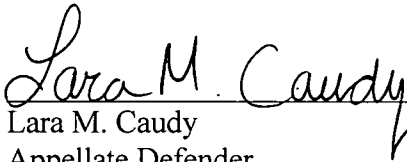
V.

FRANKLIN E. DENNISON,

APPELLANT.

CERTIFICATE OF SERVICE

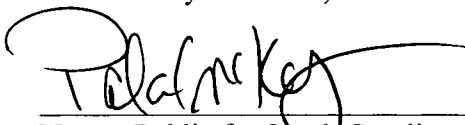
The undersigned attorney hereby certifies that a true copy of the Motion for Appointment of Outside Counsel in the above referenced case has been served upon opposing counsel, Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 and Franklin E. Dennison, at Lee Correctional Institution, 990 Wisacky Highway, Bishopville, SC 29010, this 20th day of March, 2014.



Lara M. Caudy
Appellate Defender

Attorney for Appellant

SUBSCRIBED AND SWORN TO before me
this 20th day of March, 2014.



(L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2002.



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

 ORIGINAL

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

March 20, 2014

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MAR 20 2014

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29221

Re: State of South Carolina v. Franklin E. Dennison

Dear Ms. Kitchings:

Enclosed are an original and six copies of the Motion for Appointment of Outside Counsel in the above-captioned case. Thank you for your assistance in this matter.

Sincerely,

Lara M. Caudy
Appellate Defender

LMC/pcm

Enclosure

cc: Salley W. Elliott, Esquire
Franklin E. Dennison