

The South Carolina Court of Appeals

The State, Respondent,

v.

William L. Cokley, Appellant.

Appellate Case No. 2013-000258

ORDER

On February 5, 2013, William L. Cokley filed a pro se notice of appeal with the Supreme Court of South Carolina, which was subsequently transferred to this Court for disposition. Upon review of the appeal, the Court discovered that attorney Kevin Kearse represented the appellant at his guilty plea. Pursuant to Rule 264 of the South Carolina Appellate Court Rules (SCACR), the Court contacted attorney Kearse on July 11, 2013, to request a guilty plea explanation pursuant to Rule 203(d)(1)(B)(iv), SCACR. The next day, Mr. Kearse faxed a letter from attorney Joshua A. Bailey claiming that Mr. Bailey had been retained to represent the appellant.

On October 30, 2013, attorney Bailey filed a motion to be relieved as counsel. The Court granted Bailey's motion on December 10, 2013, noting that attorney Kearse would remain as counsel for the appellant. The order further directed Mr. Kearse to provide a guilty plea explanation within ten days of the date of the order. On December 13, 2013, Mr. Kearse faxed a letter from the appellant to the Court, noting that he could no longer represent Mr. Cokley due to a conflict of interest. In response to Mr. Kearse's fax, the Court sent a December 17, 2013 letter directing him to file a motion to be relieved as counsel.

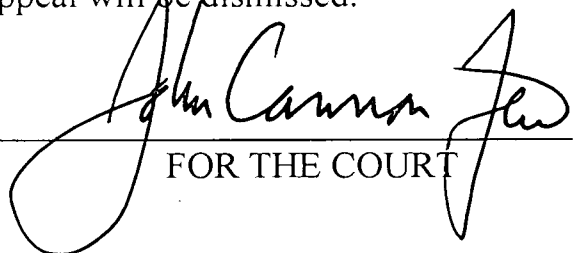
Mr. Kearse did not file a guilty plea explanation within ten days of the Court's order, nor did he file a motion to be relieved as counsel pursuant to the alleged conflict of interest. After months of inactivity, the Court attempted to contact Mr. Kearse to inquire about the status of the appeal. On February 26, 2014, the Clerk's

office contacted Mr. Kearse, who said he was going to send in a motion to be relieved as counsel. On March 6, 2014, the Court still had neither received a motion to be relieved as counsel nor a guilty plea explanation, and issued an order directing Mr. Kearse to either comply with the directive in the Court's December 10, 2013 order or appear before the Court to explain why he had not complied.

Mr. Kearse filed a motion to be relieved as counsel on March 6, 2014; however, the Court sent a deficiency letter on March 7, 2014, requesting an accurate address for the appellant. Mr. Kearse provided an address with the Turbeville Correctional Institution; however, at the time the motion was filed, the appellant had already been released from incarceration. The deficiency letter directed Mr. Kearse to correct the deficiency within ten days.

On March 19, 2014, Mr. Kearse faxed a phone number for the appellant, and represented to the Court that this was the most recent contact information he had. The undersigned presided over a hearing on March 20, 2014, with a court reporter present. Mr. Kearse appeared, as well as Senior Assistant Deputy Attorney General Salley W. Elliott on behalf of the State. At the hearing, the Court considered the motion to relieve Mr. Kearse as counsel for the appellant. The Court is satisfied that Mr. Kearse has made every effort to serve his motion on the appellant. Under these circumstances, the Court requires Mr. Kearse to make one last attempt to serve the appellant with a copy of this order. Mr. Kearse is hereby directed to contact the Department of Probation, Pardon, and Parole Services for a current address for the appellant. Mr. Kearse must provide a proof of service to the appellant at the address provided by the Department. Upon receipt of the proof of service, Mr. Kearse will be relieved as counsel and the appellant will be presumed to proceed pro se.

The appellant, William L. Cokley, will have thirty days from the date of service of this order to provide the Court with a guilty plea explanation pursuant to Rule 203(d)(1)(B)(iv), SCACR, or this appeal will be dismissed.

 C.J.
FOR THE COURT

Columbia, South Carolina

FILED

April 10, 2014 JRG

cc:

Salley W. Elliott, Esquire

Kevin D. Kearse, Esquire