

STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

JUN 05 2014

G. Edward Welmaker, Presiding Judge

S.C. SUPREME COURT

2012-CP-23-4612

KEVIN K. FOWLER, 349603,

Appellant,

v.

THE STATE,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that one copy of the Motion to Be Relieved as Counsel in the above-entitled cause has been served upon opposing counsel, Karen C. Ratigan, Senior Assistant Deputy Attorney General, by mailing in an envelope properly addressed with postage prepaid on this 4th day of June, 2014.

Sharon McCollister

Sharon McCollister
Paralegal to Tara Dawn Shurling, Attorney for Applicant

SWORN TO BEFORE me this 4th day
of June, 2014.

Jeanne Halawa (L.S.)
Notary Public for South Carolina
My Commission Expires: 2/28/2024

STATE OF SOUTH CAROLINA)
COUNTY OF Greenville)

AFFIDAVIT OF INDIGENCY

Case Name County of Greenville, State of SC Plaintiff vs Kevin K. Fowler
Defendant

Criminal Case No. 2011G52308819

Current Address: Tyger River Correctional Institution, Unit 2/A-106A, 200 Prison Rd, Enoree, SC

Are you incarcerated? Yes (If "Yes") Where? Tyger River Correctional
 No

What were you convicted of? CSC 2nd with a minor

What was your sentence? 8 years

In what county was this hearing held? Greenville

Presiding Judge's name? Letitia H. Verdin

Date of hearing? February 06, 2012

Are you appealing from ___ a trial, ___ a guilty plea or from a post-conviction relief hearing?

Were you represented by ___ a court-appointed attorney, ___ a public defender, or retained counsel?

Name of attorney/public defender? Matt Kappel - Trial plea counsel
Tara Dawn Shurling - PCR counsel

If retained, how much did you pay for attorney fees? \$ PCR \$16,500, trial \$2,500 = \$29,000.00 total

If you still owe money to your attorney, how much? \$ None

1. Are you presently employed? Yes ___ No

a. If "yes," state the amount of your salary or wages per month, and give the name and address of your employer. _____

b. If "no," state the name and address of last employment, date of termination of employment, and amount of your salary or wages per month. South Carolina Department of Corrections Prison Industries, last pay period was January 2, 2014, and my wages was minimum wage/hourly.

2. List by name, age and relationship to you, any persons who are dependent upon you for support. Indicate beside each how much you contribute toward their support. _____

Sophia Rose Fowler, 7 years of age, daughter, and Elliana Joyce Fowler, 3 years old, daughter. I pay voluntary child support for both whenever I have the means.

3. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or form of self-employment?

Yes _____ No

b. Rent payments, interest or dividends?

Yes _____ No

c. Pensions, annuities or life insurance payments?

Yes _____ No

d. Gifts or inheritance?

Yes _____ No

e. Any other sources?

Yes No _____

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

South Carolina Department of Corrections Prison Industries.
I worked from June of 2013 until December of 2013 for minimum
wage/hourly. Hours varied from week to week. Earned approximately
\$5000.00 gross.

4. Do you own cash, or do you have any money in a checking or savings account?

Yes _____ No

If the answer is "yes," state the total amount of the cash owned. \$ _____

5. Do you own any real estate, stocks, bonds, notes or other valuable property (excluding ordinary household furnishings and clothing)? Yes No _____

If the answer is "yes," describe the property and state the appropriate value of the items owned.

My ex-wife and I still own a house on 1 acre of
land appraised at \$167,000.

6. What kind of motor vehicle do you own? None

Is it paid for? Yes _____ No _____

If not, what are the monthly payments? \$ _____

7. How much do you owe (on liens, mortgages, other encumbrances or debts)? _____

IRS 97,610 9050 12,491 148,051
IRS - I owe \$97,610.00 SC Department of Revenue - I owe \$9050.00
SC UNEMPLOYMENT Security Commission - I owe \$12,491.00
and my mortgage - I owe First Citizen Bank approximately \$90,000.00
All for a total of \$238,151.00

I do solemnly swear that the account by me delivered into this Court does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I, or any person in trust for me, have or at the time of my possession had, or am, or was, in respect, entitled to, in possession, remainder or reversion and that I have not at any time since charges were made against me or before, directly or time since charges were made against me or before, directly or indirectly sold, leased, assigned or otherwise disposed of or made over, in trust for myself or otherwise, other than is mentioned herein.

I understand that the State shall file a claim against me in an amount equal to the cost for representation, but that such claim shall not constitute a lien against my property, unless, the claim is reduced to judgment by the Order of the Court after giving me at least thirty days' notice.

Under penalty of perjury, I certify that the information give by me on this affidavit is true and correct, and I understand that I will be subject to civil and/or criminal penalties if I knowingly furnish false information.

I am financially unable to employ counsel.

This 27th day of May, 2014.

Kevin M. Bowler
Defendant

I understand that I am entitled to at least thirty days' notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

This 27th day of May, 2014.

Kevin M. Bowler
Defendant

SUBSCRIBED AND SWORN to before
me this 27th day of May, 2014

Frances J. Bryson
NOTARY PUBLIC FOR SOUTH CAROLINA

My commission Expires: June 02, 2015.

LAW OFFICE OF



TARA DAWN SHURLING, PA

Attorney and Counselor at Law
3614 Landmark Drive

Suite A

Columbia, South Carolina 29204

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(803) 738-8622

(Fax) (803) 738-1600

June 4, 2014

RECEIVED

JUN 05 2014

The Honorable Daniel E. Shearouse
South Carolina Supreme Court Clerk
Post Office Box 11330
Columbia, South Carolina 29211-1330

S.C. SUPREME COURT

Re: Kevin K. Fowler, 349603 v. State of South Carolina; 2012-CP-23-4612.

Dear Mr. Shearouse:

Enclosed please find for filing the original and eight (8) copies of my Motion to Be Relieved as Counsel in the above-captioned Post-Conviction Relief case. I would appreciate your returning two (2) clocked copies to me in the envelope provided. Although I was retained in this matter, I will not be retained for the perfection of the appeal. I have included in this motion the fact that the client has returned an Affidavit of Indigency to my office and it has been forwarded to the Office of Appellate Defense for the perfection of this appeal. With my thanks for your assistance in this matter, as always, I remain,

Sincerely yours,

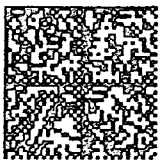
A handwritten signature in black ink that reads "Tara Dawn Shurling". The signature is fluid and cursive, with a large initial "T" and "S".

Tara Dawn Shurling
Attorney and Counselor at Law

TDS/sm

Enclosures

cc: Karen C. Ratigan, Senior Assistant Deputy Attorney General (w/enclosures)
Kimberly McCall, South Carolina Office of Appellate Defense (w/enclosures)



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MITNEY BOWES
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MAILED FROM ZIP CODE 29204

Law Offices of
TARA DAWN SHURLING, PA
3614 Landmark Drive, Suite D
Columbia, South Carolina 29204

TO:

The Honorable Daniel E. Shearouse
South Carolina Supreme Court Clerk
Post Office Box 11330
Columbia, South Carolina 29211-1330

RE: Kevin K. Fowler