



ALAN WILSON
ATTORNEY GENERAL

July 15, 2014

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SC Court of Appeals

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: The State v. John Julius Smith
Appellate Case No: 2014-001366

Dear Ms. Kitchings:

I am in receipt of the motion to be relieved as counsel for Appellant in the appeal listed above. Please accept this letter as Respondent's return to the motion. It appears from the motion that counsel was appointed to represent Appellant in a motion for new trial pursuant to Rule 29, SCRCrimP. It also appears that the Office of Appellate Defense declined to assume responsibility for the appeal due to the nature of the underlying action. Please be advised that Respondent does not object to the request to be relieved as counsel but leaves the matter to the discretion of this Court. Respondent notes for the Court the decision of our Supreme Court in State v. Clinkscales, 318 S.C. 513, 4598 S.E.2d 548 (1995), which provides that a criminal defendant is not entitled to counsel in a post-trial motion for new trial based upon after-discovered evidence pursued after the conclusion of a direct appeal.

Sincerely,

Salley W. Elliott
Senior Assistant Deputy Attorney General
S.C. Bar No: 1871

SWE/ab

cc: Robert M. Dudek, Esquire
Tynika Claxton, Esquire
Victim Services