

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

The Honorable Robert E. Hood, Circuit Court Judge

Nakia Jones, Appellant,

v.

State of South Carolina, Respondent,

Appellate Case No. 2014-000602

MOTION TO BE RELIEVED AS COUNSEL

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SC Court of Appeals

Counsel respectfully moves this Court to be relieved as counsel in the above-captioned case based on the following:

1. On May 25, 2012, Appellant filed the underlying case as an action seeking *Habeas Corpus* relief as well as a Declaratory Judgment that his 1996 criminal conviction under the Youthful Offender Act was void *ab initio*.

2. The Chief Administrative Judge for the fifth Judicial Circuit, the Honorable L. Casey Manning, determined that Appellant's filing should be handled in the same manner as a Post-Conviction Relief case. On February 7, 2013, undersigned counsel was appointed by Judge Manning to represent Appellant in the Circuit Court case.

3. On March 4, 2014, the Honorable Robert E. Hood issued an *Order Denying and Dismissing Petition for Writ of Habeas Corpus*.

4. Counsel filed a *Notice of Appeal* on March 20, 2014, and delivered his file to the S.C. Office of Appellate Defense, having completed his court-appointed representation.

5. This Court issued an Order dated July 9, 2014, dismissing this appeal for failure to provide proof of ordering the transcript. Undersigned counsel filed a *Motion to Reinstate* on July 23, 2014.

6. On July 24, 2014, the Chief Appellate Defender, Robert M. Dudek, Esquire, filed a letter stating that his office does not handle *habeas corpus* appeals.

7. On September 30, 2014, this Court issued an *Order* reinstating the Appeal and clarifying that current counsel is deemed the attorney of the Appellant unless a motion to be relieved is granted.

8. Undersigned counsel has never handled a criminal appeal beyond the initial filing of a *Notice of Appeal*.

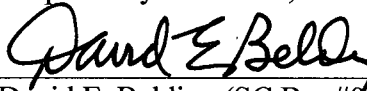
9. Undersigned counsel is informed and believes that the South Carolina Commission non Indigent defense will not reimburse counsel for handling this appeal.

10. Undersigned counsel has determined that he should make the present motion to be relieved in order to allow the Court to provide Appellant with experienced appellate representation.

11. This motion is not made for purposes of delay.

WHEREFORE, Counsel respectfully requests that this Court grant his motion to be relieved as counsel for Appellant herein and for such further proceedings as the Court deems just and proper.

Respectfully submitted,



David E. Belding (SC Bar #000623)

Attorney for Appellant

This 10th day of October, 2014

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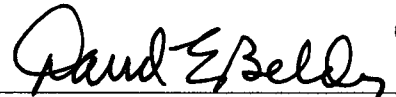
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the *Motion to be Relieved as Counsel* in the above-referenced case has been served on this 10th day of October, 2014 upon the Appellant and the indicated interested parties:

Nakia Jones, SCDC #231592
SMU 35 – McCl
386 Redemption Way
McCormick, SC 29899


Megan E. Harrigan, Esquire
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211-1549

Robert M. Dudek, Esquire
Chief Appellate Defender
P.O. Box 11589
Columbia, SC 29211-1589



David E. Belding (SC Bar #000623)
Attorney for Appellant

SUBSCRIBED AND SWORN TO before me
this 10th day of October, 2014.



(L.S.)
Notary Public for South Carolina
My Commission Expires: 7-20-21

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October 10, 2014

The Honorable Jenny Abbott Kitchings
Clerk of the S.C. Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Re: Nakia Jones vs. State of South Carolina
Appellate Case No. 2014-000602

Dear Ms. Kitchings:

Enclosed are an original and six copies of the *Motion to be Relieved as Counsel* that I am filing in the above-captioned case.

By copy of this letter, I am serving a copy of this motion on counsel for the State and on the Appellant.

Thank you for your assistance in this matter.

Sincerely,



David E. Belding

DEB/fts
Enclosures

cc: Mr. Nakia Jones
Robert M. Dudek, Esq.
Megan E. Harrigan, Esq.