

10

The South Carolina Court of Appeals

The State, Respondent,

v.

Wayland Purnell, Appellant.

RECEIVED Appellate Case No. 2014-001501

NOV 13 2014

SC Court of Appeals

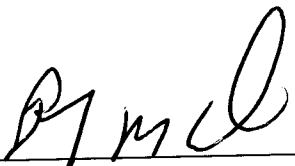
MOTION TO APPOINT COUNSEL

The South Carolina Commission on Indigent Defense, Division of Appellate Defense, represents Appellant in this appeal. Pursuant to the 2014 Appellate Practice Project, conducted with the approval of the Chief Justice, the Chief Judge of the Court of Appeals, and the South Carolina Bar, the Division of Appellate Defense moves to have Sarah Theresa Eibling appointed as lead counsel for Appellant. Chief Appellate Defender Robert M. Dudek will remain as co-counsel. The terms of participation in the Appellate Practice Project require that the appointment be made under the following conditions:

- The appointed attorney will serve pro-bono. No travel, research, printing or other costs will be reimbursed by the Commission without the prior written approval of Patton Adams, Hugh Ryan, III, or Robert M. Dudek.
- The appointed attorney will be responsible for preparing the briefs and Record on Appeal and delivering them to the Appellate Division for printing and filing no later than one week before the due date. The initial brief, any initial reply brief, the Record on Appeal, and the final briefs must be "file ready" when delivered to the Appellate Division for printing (this includes a complete table of authorities, certificate of service, and designation of matter to be included in the Record on Appeal. The Record on Appeal must also be numbered and redacted. The cover page of each brief and the Record on Appeal must contain the names, addresses and phone numbers of the Chief Appellate Defender, and the appointed attorney.
- The attorney assigned will be responsible for arguing the case before the South Carolina Court of Appeals.

- The appointment will remain in effect until any petition for rehearing is ruled upon by the Court of Appeals. Any decision to seek discretionary review from the Supreme Court should be made in conjunction with the Chief Appellate Defender. However, representation will remain on a pro bono basis.
- The appointed attorney must attend and participate in "Presenting Criminal Cases to the Court of Appeals," a CLE seminar presented by the South Carolina Bar on October 30, 2014, unless excused in advance by the Division of Appellate Defense. The appointed attorney agrees to have read the transcript prior to the CLE.
- The appointed attorney will receive one Rule 608, SCACR, credit for their pro bono representation for the year beginning July 1, 2014, and ending on June 30, 2015. The appointed attorney is responsible for presenting the appointment order to the applicable clerk of court.
- In the event of a post-conviction relief case alleging ineffective assistance of appellate counsel, at the request of the State or the applicant, the appointed attorney must make their files available as required by the rules of court, and attend any hearing scheduled to resolve the claim.

Respondent consents to this motion.



ROBERT DUDEK

Columbia, South Carolina

cc:

Margaret Fent Bodman, Esquire
Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire
Robert Michael Dudek, Esquire
Sarah Theresa Eibling, Esquire

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CERTIFICATE OF SERVICE

I certify that the Motion to Appoint Counsel has been served on Salley W. Elliott, Assistant Attorney General, at Rembert Dennis Building, 1000 Assembly Street, Columbia, SC 29201 on the 12th of November, 2014.



ROBERT DUDEK

Columbia, South Carolina

cc:

Margaret Fent Bodman, Esquire

Salley W. Elliott, Esquire

Alan McCrory Wilson, Esquire

Robert Michael Dudek, Esquire

Sarah Theresa Eibling, Esquire

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
NOV 17 2014
SC Court of Appeals

J.O.

_____ from Richland County
Newman, Circuit Court Judge

THE STATE

RESPONDENT,

V.

WAYLAND PURNELL,

APPELLANT

APPELLATE CASE NO 2014-001501

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER IN THIS
APPELLATE PRACTICE PROJECT CASE

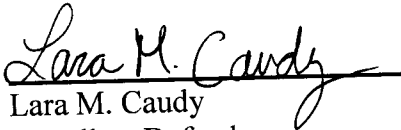
Counsel for Wayland Purnell respectfully requests an extension consistent with the rules for **Appellate Practice Project Cases** in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed with the Court today. I have discussed this case with the Chief Appellate Defender and this will be a Rule 608 and CLE credit **Appellate Practice Project Case**. I understand that this extension request for the **New Appellate Practice Project Attorney will be until the date determined by the Court for filing the initial brief of appellant.**

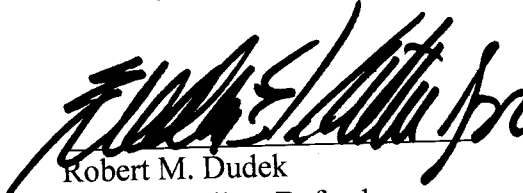
2. Counsel for the Attorney General's office graciously consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request an extension consistent with the rules for **Appellate Practice Project Cases**. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,

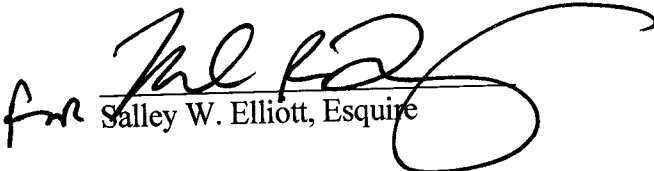

Lara M. Caudy
Appellate Defender

Attorney for Appellant


Robert M. Dudek
Chief Appellate Defender

This 17th day of November, 2014

I consent:


for Salley W. Elliott, Esquire