

The South Carolina Court of Appeals

The State, Respondent,

v.

Otis Robinson, Appellant.

Appellate Case No. 2013-002392

ORDER

I. Procedural History

A jury found Appellant guilty of first-degree burglary, and the trial court sentenced him to life in prison without the possibility of parole. Appellant's attorney, John Wesley Locklair, III, filed a notice of appeal with this Court on November 8, 2013. On November 13, 2013, this Court sent Mr. Locklair a letter listing deficiencies in the notice of appeal and requiring that he cure the deficiencies within ten days. This Court received no response from Mr. Locklair.

On March 6, 2014, this Court issued an order giving Mr. Locklair ten days to cure the deficiencies and ordering him to comply or appear before the Court to explain his noncompliance. Mr. Locklair cured the deficiencies—after the ten-day deadline—on March 20, 2014.

In June and July 2014, Appellant wrote this Court two letters stating Mr. Locklair would not respond to Appellant's correspondence or otherwise communicate with him. Appellant also asked this Court for a status update on his appeal.


On July 11, 2014, the South Carolina Commission on Indigent Defense sent Mr. Locklair a letter asking him to immediately notify the Division of Appellate Defense whether he was retained or court-appointed and whether he planned to pursue Appellant's appeal.

On August 1, 2014, this Court issued an order requiring Mr. Locklair to provide proof that he either had ordered the transcript or had responded to the letter from the South Carolina Commission on Indigent Defense. *See* Rule 207(a)(1), SCACR (requiring the transcript in a criminal case to be ordered within thirty days of service of the notice of appeal). This Court received no response from Mr. Locklair.

II. This Court's Order

Because Mr. Locklair has refused to communicate with this Court and his client, we remove him as counsel of record. *See* Rule 407, SCACR: Rule 1.1 ("A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."); Rule 1.3 ("A lawyer shall act with reasonable diligence and promptness in representing a client."); Rule 1.4(a)(3), (4) (stating a lawyer "shall . . . keep the client reasonably informed about the status of the matter" and "promptly comply with reasonable requests for information"); Rule 3.2 ("A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.").

We request that the Division of Appellate Defense screen this matter, and notify us within thirty days whether Appellant qualifies for indigent representation. If Appellant qualifies for indigent representation, we request that the Division of Appellate Defense provide proof that it has ordered the transcript. We direct the Clerk's Office to forward a copy of this order to the Office of Disciplinary Counsel.


FOR THE COURT

Columbia, South Carolina

cc: Otis Robinson, 288206
John Wesley Locklair, III, Esquire
Robert Michael Dudek, Esquire
Lesley M. Coggiola, Esquire

FILED

12/30/14

Alan McCrory Wilson, Esquire
Salley W. Elliott, Esquire
Stephanie Bianco Linder, Esquire