

STATE OF SOUTH CAROLINA
In The Supreme Court

 ORIGINAL

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Edward W. Miller, Circuit Court Judge

RECEIVED

Case No. 2010-CP-23-03160

AUG 17 2012

BRANDI LYNN TURNER-HOLDER, 313870,
A/K/A BRANDI LYNN TURNER,

S.C. Supreme Court

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

RETURN TO MOTION FOR EXPENSE FUNDING

Undersigned counsel makes the following return to private counsel's request that the Commission on Indigent Defense pay for the transcript and the costs of printing in the above-referenced case:

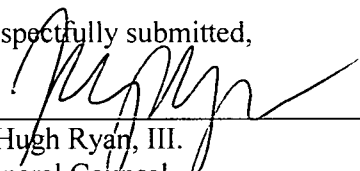
1. Undersigned counsel is the General Counsel for the Commission on Indigent Defense.
2. It is the position of the Commission on Indigent Defense, given this highly unusual motion, that retained private counsel handling a post-conviction relief case must either handle the appeal by way of filing a petition for writ of certiorari with this Court, or requesting that the Appellate Division of the Commission on Indigent Defense accept the appeal if the client is indigent.

3. The Commission on Indigent Defense is not aware of any provision whereby private counsel can be retained for a trial level PCR, and then request that the Commission on Indigent Defense fund the cost of the appeal.

4. Further, the affidavit of indigency reveals private counsel, Attorney Shurling, was retained. SCCID is unaware of the amount of the retainer fee and would request that the Court inquire into the amount of funds paid on behalf of the client in this matter.

WHEREFORE, the Commission on Indigent Defense submits the motion should be denied because it would set the precedent of private counsel being retained at the trial level then asking the Commission on Indigent Defense to fund the cost of a private attorney appeal. If the petitioner is truly indigent this matter should be handled by the Office of Appellate Defense.

Respectfully submitted,



J. Hugh Ryan, III.
General Counsel

August 17, 2012

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Edward W. Miller, Circuit Court Judge

Case No. 2010-CP-23-03160

BRANDI LYNN TURNER-HOLDER, 313870,
A/K/A BRANDI LYNN TURNER,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

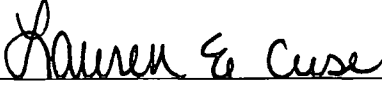
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the petition for extension of time in which to file the return to motion for expense funding in the above referenced case has been served upon Tara Dawn Shurling, Esquire, at 3614 Landmark Drive, Suite A, Columbia, SC 29204, this 17th day of September, 2012.



J. Hugh Ryan, III
General Counsel

SUBSCRIBED AND SWORN TO before me
This 17th day of August, 2012

 (L.S.)
Notary Public for South Carolina
My Commission Expires: August 23, 2014.