

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Charleston County

Stephanie P. McDonald, Circuit Court Judge

DANIEL E. DICKSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-002030

RETURN TO *PRO SE* MOTION TO RELIEVE
COUNSEL AND PROCEED *PRO SE*

Undersigned counsel making return to the *pro se* Motion to Relieve Counsel and Proceed *Pro Se* would respectfully show this Court:

1. Petitioner Dickson was indicted for kidnapping and attempted armed robbery by a Charleston County Grand Jury. His case was called to trial on October 21, 2008 before the Honorable R. Marley Dennis, Jr., and a jury. The jury convicted Petitioner of both charges. He was represented by Rodney Duane Davis.

2. The South Carolina Court of Appeals affirmed Petitioner Dickson's convictions. State v. Dickson, Op. No. 2010-UP-348 (S.C. Ct. App. Filed July 6, 2010).

3. On June 27, 2011, Petitioner Dickson filed an application for post-conviction relief (PCR). The matter proceeded to an evidentiary hearing on July 25, 2012 before the Honorable Stephanie P. McDonald. Petitioner Dickson was represented by J. Howard Yates, Jr. By order dated August 25, 2014, Judge McDonald denied Petitioner relief.

4. The Office of Appellate Defense undertook representation of Petitioner Dickson on appeal and undersigned counsel was assigned to the case.

5. On March 12, 2015, undersigned counsel filed a merit Petition for Writ of Certiorari with this Court. In the petition, counsel raised the only issue ruled upon by Judge McDonald in the order of dismissal: Whether the court erred by failing to find that a verbal plea offer was made to Petitioner and that he detrimentally relied on the plea offer when he cooperated with the state in the murder prosecution of Joseph Samuel Whitt?

6. On May 8, 2015, Petitioner Dickson filed a *pro se* motion to relieve counsel and proceed *pro se*. This Court wrote to undersigned counsel and requested counsel file a return to Petitioner Dickson's motion within ten days.

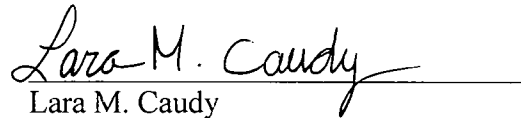
7. It appears Petitioner Dickson requests counsel be relieved because of a typographical error that appears on page three of the petition. When writing the procedural history of the case, undersigned counsel incorrectly wrote the order of dismissal was dated July 23, 2013 when in fact the order was dated August 25, 2014. Undersigned counsel has explained to Petitioner Dickson in the past that in her opinion this unintentional typographical error would have no effect on the merits of his appeal. Counsel did not believe it was necessary to file an amended petition for writ of certiorari to correct this typographical error.

8. It appears Petitioner Dickson also requests counsel be relieved because undersigned counsel did not raise ineffective assistance of counsel in the Petition for Writ of Certiorari. Counsel

has explained to Petitioner Dickson in the past that the issue was not ruled upon by Judge McDonald in the order of dismissal and thus not preserved for this Court's review.

9. Undersigned counsel respectfully leaves it to this Court's discretion whether to grant Petitioner Dickson's *pro se* motion to relieve counsel and proceed *pro se*.

Respectfully submitted,


Lara M. Caudy
Appellate Defender

Attorney for Petitioner

This 18th day of May, 2015

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IN THE SUPREME COURT

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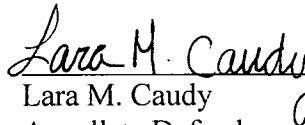
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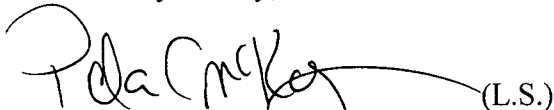
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Return to *Pro Se* Motion to Relieve Counsel and Proceed *Pro Se* in the above referenced case has been served upon Justin James Hunter, Esquire at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 and Daniel E. Dickson, #105841, at Perry Correctional Institution, 430 Oaklawn Road, Pelzer, SC 29669, this 18th day of May, 2015.


Lara M. Caudy
Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me
this 18th day of May, 2015.


(L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022.

 ORIGINAL



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

RECEIVED

MAY 18 2015

S.C. Supreme Court

May 18, 2015

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, S.C. 29221

Re: Daniel E. Dickson v. State
Appellate Case No. 2014-002030

Dear Mr. Shearouse:

Enclosed are an original and six copies of the Return to *Pro Se* Motion to Relieve Counsel and Proceed *Pro Se* in the above captioned case. Thank you for your assistance in this matter.

Sincerely,

Lara M. Caudy
Appellate Defender

LMC/pcm

Enclosure

cc: Justin James Hunter, Esquire
Daniel E. Dickson