

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

RECEIVED

Appeal from Dillon County
Court of Common Pleas

JUL 15 2015

Thomas A. Russo, Circuit Court Judge

S.C. Supreme Court

Case No. 2012-CP-17-00156

Appeal No. 2014-002401

Jeffrey Caulder, No: 336973.....Petitioner,

v.

State of South Carolina.....Respondent.

MOTION TO ASSOCIATE APPELLATE DEFENSE, COMMISSION ON INDIGENT DEFENSE, FOR COSTS OF INDIGENT APPEAL

Counsel for the petitioner moves to associate Appellate Defense, a division of the South Carolina Commission on Indigent Defense, for the costs of printing in this post-conviction relief appeal. Counsel makes this motion on the following grounds:

Petitioner, an indigent inmate, has exhausted his funds and has been assessed as indigent after his submission of an affidavit of indigency to Appellate Defense. Counsel was petitioner's post-conviction counsel in the lower court, and he will continue as petitioner's attorney of record in this appeal. Counsel will be solely responsible for filing the petition for writ of certiorari, and any argument and ancillary tasks that may arise thereafter. Counsel will perform these services, *pro bono*, without a request for any fee or expectation of compensation by the Commission on Indigent

Defense. The Commission would not be responsible for obtaining the transcript of the post-conviction proceedings; counsel has already absorbed those costs. Counsel merely requests association with Appellate Defense, a division of the Commission on Indigent Defense, to pay for the costs of printing the petition for writ of certiorari, and the appendices. In the event certiorari is granted, counsel would also seek payment for printing the brief of petitioner, any reply brief, and the cost of printing the additional appendices. Counsel respectfully notes that Appellate Defense would have to bear these printing expenses anyway if Appellate Defense handled the case since petitioner has been approved as an indigent client. There will not be any prejudice to any party if this motion is granted.

WHEREFORE, Counsel respectfully requests an order of this Court associating the office of Appellate Defense, Commission on Indigent Defense, solely for the cost of printing the petition for certiorari, and the appendices, and the attendant documents in the event certiorari is granted for *pro bono* counsel.

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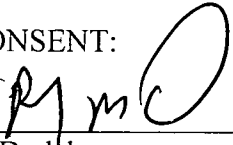
ATTORNEY FOR JEFFREY CAULDER

By: 
JOHN D. 'JAY' ELLIOTT

Columbia, South Carolina

July 15th, 2015

WE CONSENT:

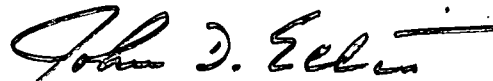
A handwritten signature in black ink, appearing to read 'R. Dudek', written over a horizontal line.

Robert Dudek
Chief Appellate Defender
S.C. Office of Indigent Defense
P.O. Box 11589
Columbia SC 29211

CERTIFICATE OF SERVICE

Counsel certifies he has served the foregoing motion to associate the S.C. Commission on Indigent Defense on all parties by depositing a copy of the same in the United States Mail, postage prepaid, and addressed as follows, on this 15th day of July, 2015.

Joshua L. Thomas
Assistant Attorney General
Office of the Attorney General
P.O. Box 11549
Columbia, South Carolina 29211



JOHN D. ELLIOTT
Attorney for Jeffrey Caulder