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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Greenville County  
The Honorable J. Derham Cole, Circuit Court Judge  
Appellate Case No. 2015-001615

RECEIVED  
AUG 21 2015  
SC Court of Appeals

THE STATE,

Respondent,

vs.

JAMES MICHAEL JOHNSON,

Appellant.

**RETURN TO MOTION FOR SUBSTITUTION OF COUNSEL AND FOR  
SUBSTITUTION OF INITIAL BRIEF OF APPELLANT**

Respondent, by and through undersigned counsel and making Return to the Motion for Substitution of Counsel, would respectfully show unto this Court:

1. On July 20, 2015, trial counsel Zachary D. Ellis of the Greenville Bar served and filed the notion of appeal from the July 16, 2015 conviction and sentences by the Honorable J. Derham Cole, Presiding Judge. The Appellant was convicted of two separate counts of murder and two counts of possession of a weapon during the commission of a violent offense on Indictments 2014-GS-23-2201, 2203. He was sentenced to thirty years.

2. On August 7, 2015, counsel J. Falkner Wilkes of Greenville County made a motion to be substituted for appellate counsel in this matter. At the time of the motion, the Appellant is either being presently represented by trial counsel Zach David Ellis of the Greenville Bar or the Office of Appellate Defense.
3. Respondent has no objection to the substitution of counsel at this early stage of the appellate process.

Based upon the above, Respondent submits it has no objection to the substitution of counsel.

Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

BY: 

Donald J. Zelenka  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

August 21, 2015

**CERTIFICATE OF SERVICE**

I, **Donald J. Zelenka**, hereby certify that a true copy of the *Return to Motion for Substitution of Counsel and for Substitution of Initial Brief of Appellant* in the above referenced case has been served upon counsel for Appellant by depositing copies of same in the United States Mail, postage prepaid, to each attorney, addressed as follows:

J. Falkner Wilkes, Esquire  
114 Whitsett Street  
Greenville, SC 29601

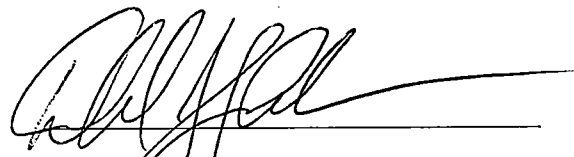
Zachary David Ellis, Esquire  
Ellis Law, LLC  
111-A East North Street  
Greenville, SC 29601

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AUG 21 2015  
SC Court of Appeals

And by InterAgency Mail to:

Robert M. Dudek, Esquire  
Chief Appellate Defender  
SCCID/Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211

This 21<sup>st</sup> day of August, 2015.



DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General  
Attorney for Respondent



ALAN WILSON  
ATTORNEY GENERAL

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SC Court of Appeals

August 21, 2015

Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

Re: The State v. James Michael Johnson  
Appellate Case No. 2015-001615

Dear Ms. Kitchings:

Enclosed please find an original and six (6) copies of the Return to Motion for Substitution of Counsel and for Substitution of Initial Brief of Appellant in the above-captioned matter for filing in your office. By copy of this letter, I am serving opposing counsel with same.

Sincerely,

Lonetta B. Brawley  
Legal Assistant to Donald J. Zelenka  
Senior Assistant Deputy Attorney General

/lbb  
Enclosure

cc: J. Falkner Wilkes, Esquire  
Zachary D. Ellis, Esquire  
Robert M. Dudek, Esquire  
Lucas C. Marchant, Asst. Solicitor, 13<sup>th</sup> Circuit