

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from marion County

D. Craig Brown, Circuit Court Judge

RECEIVED
DEC 17 2015
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHAD STRICKLAND,

APPELLANT

APPELLATE CASE NO. 2015-001192

PETITION TO REINSTATE APPEAL

The undersigned counsel petitions to reinstate the direct appeal of Chad Strickland. The appeal was dismissed by this Court on December 9, 2015. In support of this petition, counsel would respectfully show the Court that:

1. On June 4, 2015, this office received notification from this Court of a notice of intent to appeal filed on behalf of Chad Strickland by trial counsel Thurmond Brooker on May 29, 2015.
2. On June 11, 2015, this office sent Counsel Brooker a letter requesting that he inform our office whether he was appointed or retained in this case. If Counsel Brooker was retained this office would require an affidavit of indigency from his client, Appellant Chad Strickland.

3. On June 26, 2015, this office contacted Counsel Brooker via e-mail, and reminded counsel that this office had not received an answer to our June 11, 2015 request for information. This office also informed Counsel Brooker that the time to order the transcript was approaching. The email further stated that our office would take over the case if counsel was appointed, but that we needed an affidavit of indigency from his client if he was retained.

4. On July 9, 2015, Counsel Brooker requested an extension from this Court to order the transcript. This Court issued an order dated July 17, 2015, allowing counsel until July 20, 2015 to order the transcript.

5. On July 16, 2015, the affidavit of indigency was received by our office from Appellant Chad Strickland as Counsel Brooker had been retained in this case. On July 22, 2015, undersigned counsel approved this case for representation by this office. However, trial counsel had not provided this office with the hearing dates involved in this case as mandated by then Chief Justice Finney's order dated December 12, 1997.

6. On July 24, 2015, on August 18, 2015 and on August 27, 2015 this office contacted Counsel Brooker via e-mail requesting all of the hearing dates involved in this case so that this office could order the applicable transcripts from the court reporter(s).

7. On September 28, 2015, this Court sent a letter to Counsel Brooker requesting him to provide proof that he had ordered the transcript(s) directly from the court reporter, along with a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the South Carolina Appellate Court Rules.

8. On December 14, 2015, Counsel Brooker provided us with the requested applicable hearing dates in this case. Counsel informed this office that an immunity hearing pursuant to the

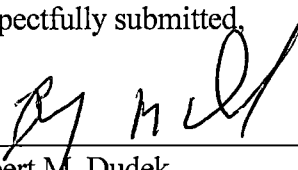
South Carolina Protection of Persons and Property Act had also been held from December 16-17, 2015 in this case.

9. If this motion to reinstate is granted, this office will immediately order the transcripts involved in this case.

10. Based on the foregoing, and in the interests of judicial efficiency, counsel most respectfully requests that the Court reinstate appellant's direct appeal so that this office can order the transcripts involved in this appeal.

WHEREFORE, undersigned counsel respectfully requests that the direct appeal of Chad Strickland be reinstated.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

December 17th, 2015

STATE OF SOUTH CAROLINA

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Appeal from Marion County

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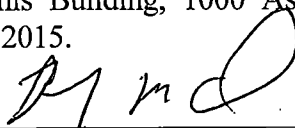
V.

CHAD STRICKLAND,

APPELLANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Petition to Reinstate in the above- referenced case has been served upon Benjamin Aplin, Esquire, Deputy Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201, this 17th day of December, 2015.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 17th day of December, 2015.

Maic Jurek (L.S.)

Notary Public for South Carolina
My Commission Expires: July 3, 2023.