

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Greenville County

The Honorabel R. Knox McMahon, Circuit Court Judge  
Appellate Case No. 2016-000090  
\_\_\_\_\_

**RECEIVED**  
JAN 28 2016  
SC Court of Appeals

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

BRANDON ADAMS,

APPELLANT

\_\_\_\_\_  
RETURN TO MOTION TO BE RELIEVED AS COUNSEL  
\_\_\_\_\_


Counsel for Brandon Adams moves to be relieved as counsel. In support of this motion, counsel states:

1. Trial Counsel, Ivan Toney, filed a notice of intention to appeal on behalf of appellant with this Court on January 19, 2016, and he also filed a motion to be relieved as counsel.
2. Mr. Toney was sent a letter by this office on January 25, 2016, asking his status (retained or appointed) as counsel. An affidavit of indigency was also enclosed for Appellant Adams to fill out, have notarized, and returned if appellant desired for this office to represent him on appeal.

3. Mr. Toney telephoned this office on January 26, 2016. He indicated that he had indeed been retained only trial representation. He wanted instruction on how to proceed so this office would handle appellant's appeal. Mr. Toney was instructed to submit the affidavit of indigency so we could ascertain if Appellant Adams qualified for appellate counsel through our office.

4. This office is presently waiting to receive the affidavit of indigency from Appellant Adams. If upon receipt and review of the affidavit, Appellant Adams is ascertained to be indigent, this office we will assume representation of him on appeal. This office does not have any position on Counsel Toney's petition to be relieved as counsel, and leaves it to the sound discretion of this Court.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 28th day of January, 2016.

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STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

BRANDON D. ADAMS,

APPELLANT

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

I certify that a true copy of the motion to be relieved in this case has been served on Donald J. Zelenka, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Ivan James Toney, Esquire, at 600 East Washington St., Ste. 616, Greenville, SC 29601, this 28th day of January, 2016.



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Robert M. Dudek  
Chief Appellate Defender

SWORN TO BEFORE ME this 28th day  
of January, 2016.

Mark J. Jendel (L.S.)

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