

STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM PICKENS COUNTY
John C. Hayes, III, Circuit Court Judge

Appellate Case No. 2015-0001147

THE STATE,

Respondent,

v.

BRENT C. MCLAURIN,

Appellant.

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

Respondent, by and through undersigned counsel, would respectfully show unto this Court:

1. Appellant was represented at trial by John W. DeJong of the Thirteenth Circuit Public Defender's Office and was convicted of one count of robbery / entering bank, depository or building and loan association with intent to steal (2014-GS-39-00497) and one count of grand larceny (2014-GS-39-00499). He was sentenced by Judge Hayes on May 19, 2015, to thirty (30) years' imprisonment for the bank robbery and ten (10) years' concurrent imprisonment for the grand larceny. Appellant thereafter served notice of appeal on May 20, 2015.

2. Appellant is currently being represented on appeal by the South Carolina Office of Appellate Defense. Although it appears a particular attorney has not yet been assigned to his

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SC Court of Appeals

case, Respondent (the State) has received a copy of a “Return to Motion to Relieve Counsel” submitted by Chief Appellate Defender Robert M. Dudek from that office.

3. Appellant has now submitted a pro se motion to relieve the Office of Appellate Defense from further representation and to proceed without counsel in his direct appeal.

4. In the Motion / Petition, Appellant requests to proceed pro se because he “does not trust the office of indigent defense to perform an ethical job” in representing him, and questions its commitment to his case.

5. Respondent strongly objects to Appellant’s request to proceed pro se. Appellant has failed to show good cause for having the Office of Appellate Defense relieved and permitting him to proceed pro se. Appellant does not have the right of self-representation on direct appeal from a criminal conviction. State v. Roberts, 364 S.C. 583, 614 S.E.2d 626 (2005) (citing Martinez v. Court of Appeals of California, 528 U.S. 152 (2000)); Reed v. Ozmint, 374 S.C. 19 n.4, 647 S.E.2d 209 n.4 (2007).

6. Here, the Office of Appellate Defense has requested copies of the transcripts related to Appellant’s appeal and appears to have now obtained most of the transcripts requested. Further, as noted in the February 3, 2016, Return submitted by Mr. Dudek, the Office of Appellate Defense is willing and able to represent Appellant in his direct appeal. Although the decision on whether to allow a criminal defendant to represent himself on direct appeal from a criminal conviction is discretionary with this Court, the State submits Appellant has failed to show sufficient cause for the Court to exercise that discretion to relieve the Office of Appellate Defense and allow him to proceed pro se.

WHEREFORE, having made this Return, the State requests that this Court deny Appellant's motion to relieve counsel and proceed pro se.

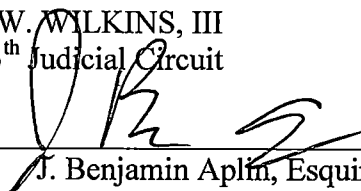
Respectfully submitted,

ALAN WILSON
Attorney General

J. BENJAMIN APLIN
Interim Senior Assistant Deputy Attorney General

WILLIAM W. WILKINS, III
Solicitor, 13th Judicial Circuit

BY:



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

ATTORNEYS FOR RESPONDENT

February 5, 2016

STATE OF SOUTH CAROLINA
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Appellant.

PROOF OF SERVICE

I, Angela Bennett, certify that I have served the Return to Motion to Relieve Counsel and to Proceed Pro Se on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to Robert M. Dudek, Esquire, S.C. Commission on Indigent Defense, Office of Appellant Defense, Post Office Box 11629, Columbia, South Carolina 29211 and Brent C. McLaurin, 166894, Lieber Correctional Institution, Post Office Box 205, Ridgeville, South Carolina 29472.

I further certify that all parties required by Rule to be served have been served.

This 5th day of February, 2016.


ANGELA BENNETT
Administrative Assistant
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

February 5, 2016

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SC Court of Appeals

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: State v. Brent C. McLaurin

Dear Ms. Kitchings:

Enclosed for filing are the original and six copies of the Respondent's return to Appellant's motion to relieve counsel and proceed pro se in the above-referenced case.

Sincerely,

J. Benjamin Aplin
Interim Senior Assistant Deputy Attorney General

Enclosures

cc: Robert M. Dudek, Esquire
Brent C. McLaurin, 166894
Ms. Trisha Allen