

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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

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JUN 30 2016

**S.C. SUPREME COURT**

Case No. 2016-001335  
S.C. Court of Appeals Case No. 2013-002391  
General Sessions Case No. 2010-GS-45-00283

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The State of South Carolina, ..... Respondent,

v.

Justin McBride, ..... Appellant.

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MOTION OF APPELLANT'S COUNSEL  
TO BE RELIEVED AND FOR EXTENSION

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Appellant's undersigned counsel, pursuant to Rules 240 and 264 of the SCACR, hereby moves this Honorable Court to relieve undersigned counsel from further representation of Appellant Justin McBride. In relation to this Motion and to protect Appellant's rights, counsel also moves for an extension of time for Appellant to file any Petition for Certiorari or related documents to further pursue his appeal and for appointment of counsel for Appellant.

Counsel was retained to represent Appellant through final decision of the South Carolina Court of Appeals and the scope of such representation did not include any Petition for Certiorari or related representation seeking review

beyond the Court of Appeals. The scope of that representation has ended by virtue of the Court of Appeal's decision on the below appeal and the subsequent Petition for Rehearing. Following the Court's decisions, counsel communicated with Appellant about his further appeal rights and the need to retain new counsel if he wished to pursue other avenues for relief. It is counsel's understanding that Appellant attempted to timely file for review by the South Carolina Supreme Court but was informed that with counsel below still appearing as counsel of record he could not proceed *pro se* and that counsel must file on his behalf by July 1, 2016.

The intent of this Motion is to relieve counsel identified below so that Appellant can proceed *pro se* or with new counsel. It is also requested that the Court consider appointing counsel for Appellant in this matter.

It is counsels' interpretation of court rules that the filing of this motion stays any deadlines in Appellant's appeals. Nonetheless, and on behalf of Appellant, counsel does request an additional 45-days, following ruling on this Motion, for filing any Petition for Certiorari. Should the motion to be relieved be granted, it is also requested that the Court accept the papers previously filed by Appellant *pro se*.


Counsel is no longer in a position to continue representation of Appellant and is not and has not been paid for any further representation. To ensure Appellant's rights are protected, Appellant was notified previously in writing that the scope of representation had ended and is being provided a copy of this

Motion. It is therefore requested that this Honorable Court grant the following relief:

- 1) Relieve all counsel listed below from further representation of Appellant Justin McBride:
- 2) Appoint counsel for Appellant Justin McBride to ensure he understands any repercussions of proceeding *pro se*; and
- 3) Grants an extension, as set forth above, for the filing of any Petition for Certiorari or other documents with this Court.

Given the procedural posture of this case, a copy of this Motion is also being provided to the South Carolina Court of Appeals.

June 27, 2016



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June 29, 2016

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1231 Gervais Street  
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JUN 30 2016

**RE: State of South Carolina v. David Benjamin  
Case No.: 2016-001335**

**S.C. SUPREME COURT**

Dear Clerk:

Enclosed for filing please find an original and three (3) copies of a Motion of Appellant's Counsel to be Relieved and for Extension in regard to the above referenced case. I have also enclosed a self-addressed stamped envelope for return of the filed copies.

Please do not hesitate to contact us should you have any questions or concerns.

With kindest personal regards, I am

Sincerely yours,



Joshua P. Stokes

cc: S.C. Attorney General's Office  
Wendy J. Kaefer, Esquire  
Adam Owensby, Esquire  
Brownstone Law, P.A.