

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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JUL 19 2016

SC SUPREME COURT

Appeal from Williamsburg County  
John C. Hayes, III, Circuit Court Judge  
Appellate Case No. 2013-002391

THE STATE,

Respondent,

vs.

JUSTIN MCBRIDE,

Petitioner

**AMENDED RETURN TO MOTION  
FOR APPELLANT COUNSEL  
TO BE RELIEVED**

The Respondent now makes this return to the motion for Appellant's counsel to be relieved.

(1) Respondent takes no position on whether retained counsel should be relieved.

(2) However, Respondent disagrees Petition would be entitled to appointment of counsel absent proof of indigence and on the grounds that Petitioner, and criminal defendants in general, have no right to counsel for a discretionary appeal. Douglas v. State, 369 S.C. 213, 631 S.E.2d 542 (2006) (finding no right to effective assistance of counsel when seeking discretionary review of a direct appeal).

Respectfully Submitted,

ALAN WILSON  
Attorney General

DAVID SPENCER  
Senior Assistant Attorney General  
Bar #68571

BY: 

\_\_\_\_\_  
DAVID SPENCER

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

ATTORNEYS FOR RESPONDENT

July 13, 2016

STATE OF SOUTH CAROLINA  
IN THE SUPREME

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Appeal From Williamsburg County  
Honorable John C. Hayes, III, Circuit Court Judge  
Appellate Case No. 2013-002391

THE STATE,

Respondent,

vs.

JUSTIN MCBRIDE,

Appellant.

CERTIFICATE OF SERVICE


I, Anne Mueller., certify that I have served the Amended Return to Motion for Appellant Counsel to be Relieved by depositing one copy of the same in the United States mail, postage prepaid, addressed to each of Appellant's counsel of record:

Wendy J. Keefer, Esquire  
1643B Savannah Hwy., Suite 226  
Charleston, SC 29407

Adam Owensby, Esquire  
P.O. Box 21043  
Charleston, SC 29043

Joshua Preston Stokes, Esquire  
145 King Street, Suite 407  
Charleston, SC 29401

I further certify that all parties required by Rule to be served have been served.  
This 13<sup>th</sup> day of July, 2016.



Anne A. Mueller  
Legal Assistant

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

ATTORNEY FOR RESPONDENT