

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Orangeburg County  
Maité Murphy, Circuit Court Judge  
\_\_\_\_\_

KENTRELL LIBURD,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-001449

\_\_\_\_\_  
RETURN TO MOTION TO RELIEVE AND SUBSTITUTE  
COUNSEL AND WITHDRAW JOHNSON PETITION  
\_\_\_\_\_

Undersigned counsel making return to the Motion to Relieve and Substitute Counsel and Withdraw Johnson Petition would respectfully show this Court:

1. Petitioner Kentrell Liburd was indicted by an Orangeburg County Grand Jury in June 2012 for murder, and in December 2012 for an unrelated armed robbery. App. 67-70. He ultimately pled guilty to armed robbery and the lesser included offense of voluntary manslaughter on October 22, 2013 before the Honorable Edgar W. Dickson. App. 1. He was represented by Margaret Hinds of the First Circuit Public Defender Office. App. 1.

2. On June 12, 2014, Petitioner filed an application for post-conviction relief (PCR). App. 21-28. The state filed a return to this application dated January 29, 2015. App. 29-33. An evidentiary hearing was convened on May 21, 2015 before the Honorable Maité Murphy. App. 34.

Jonathan D. Waller represented Petitioner. App. 34. By order filed August 26, 2015, Judge Murphy denied Petitioner relief. App. 60-66.

3. The Office of Appellate Defense undertook representation of Petitioner on appeal and undersigned counsel was assigned to the case.

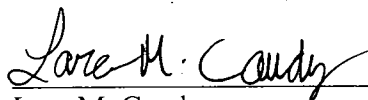
4. On September 8, 2016, undersigned counsel filed a Petition for Writ of Certiorari pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988) with this Court. Counsel also moved to be relieved as counsel and asserted that, in her opinion, seeking certiorari from the order of dismissal is without merit.

5. On or about October 21, 2016, undersigned counsel spoke with Clarissa Warren Joyner over the telephone. Ms. Joyner informed undersigned counsel that she was considering filing a motion to relieve and substitute counsel. Undersigned counsel informed Ms. Joyner that she would not oppose the motion.

6. On October 24, 2016, Clarissa Warren Joyner, with the consent of Petitioner Liburd, filed a Motion to Relieve and Substitute Counsel and Withdraw Johnson Petition. This Court wrote to undersigned counsel and requested counsel file a return to the motion within ten days.

7. Undersigned counsel does not wish to frustrate the wishes of Petitioner Liburd and respectfully leaves it to this Court's discretion whether to grant Petitioner's Motion to Relieve and Substitute Counsel and Withdraw Johnson Petition.

Respectfully submitted,



Lara M. Caudy  
Appellate Defender

Attorney for Petitioner

This 27th day of October, 2016

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Orangeburg County  
Maité Murphy, Circuit Court Judge

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KENTRELL LIBURD,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

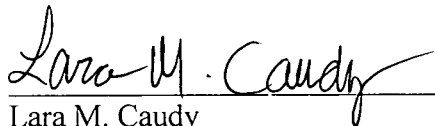
APPELLATE CASE NO. 2016-001449

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CERTIFICATE OF SERVICE

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The undersigned attorney hereby certifies that a true copy of the Return to Motion to Relieve and Substitute Counsel and Withdraw Johnson Petition in the above referenced case has been served upon Ruston Wesley Neely, Esquire at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; Clarissa Warren Joyner, Esquire at 1259 Amelia Street, Suite A, P.O. Box 1724, Orangeburg, SC 29115; and Kentrell Liburd, #357498, at Broad River Correctional Institution, 4460 Broad River Road, Columbia, SC 29210, this 27th day of October, 2016.

  
\_\_\_\_\_

Lara M. Caudy  
Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me  
this 27th day of October, 2016.

  
\_\_\_\_\_(L.S.)  
Notary Public for South Carolina  
My Commission Expires: July 3, 2023.



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

October 27, 2016

RECEIVED

OCT 27 2016

S.C. SUPREME COURT

The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
Post Office Box 11330  
Columbia, S.C. 29221

Re: Kentrell Liburd v. State  
Appellate Case No. 2016-001449

Dear Mr. Shearouse:

Enclosed are an original and six copies of the Return to Motion to Relieve and Substitute Counsel and Withdraw Johnson Petition in the above referenced case. Thank you for your assistance in this matter.

Sincerely,

Lara M. Caudy  
Appellate Defender

LMC/blw

Enclosure

cc: Ruston Wesley Neely, Esquire  
Clarissa Warren Joyner, Esquire  
Kentrell Liburd, #357498