

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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FEB 16 2017

S.C. SUPREME COURT

APPEAL FROM LAURENS COUNTY  
Court of General Sessions  
Frank R. Addy, Jr., Circuit Court Judge

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Appellate Case Number: 2016-001597

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The State, .....Respondent

v.

Bennie Brown, Jr., .....Appellant.

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**Petition to be Relieved as Counsel and  
Appoint the Appellate Defense Division**

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Undersigned counsel petitions this Court for an order relieving him as counsel for the appellate, Bennie Brown, and appointing the South Carolina Commission on Indigent Defense, Appellate Defense Division. This request is based on the following grounds:

1) Undersigned counsel and Bill McGuire of the South Carolina Commission of Indigent Defense, Capital Trial Division, were appointed to represent Mr. Brown. The State sought the death penalty, but the Honorable Frank R. Addy, Jr. ruled Mr. Brown ineligible for the death penalty because of his Intellectual Disabilities. *Atkins v. Virginia*, 536 U.S. 304 (2002).

2) Mr. Brown's cases was tried before Judge Addy and a jury from June 27, 2016 to July 1, 2016. Following the trial, undersigned counsel discussed with Mr. Brown representing him pro bono on the direct appeal.

3) On February 10, 2017, Mr. Brown wrote undersigned counsel indicating his desire to be represented by the Appellate Defense Division. A copy of this letter is attached.

4) Undersigned counsel is familiar with Mr. Brown's financial situation and believes he continues to be indigent.

5) Undersigned counsel will cooperate with the Appellate Defense Division to ensure they receive all the transcripts and materials necessary to perfect Mr. Brown's appeal.

Therefore, undersigned counsel respectfully requests this Court issued an order relieving him as counsel and appointing the Appellate Defense Division to represent Mr. Brown.

IT IS SO MOVED.

Respectfully Submitted,

By 

E. Charles Grose, Jr.  
S.C. Bar Number 66063  
The Grose Law Firm, LLC  
404 Main Street  
Greenwood, SC 29646  
(864) 538-4466  
(864) 538-4405 (fax)  
Email: charles@groselawfirm.com

February 14, 2017

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**Certificate of Service**

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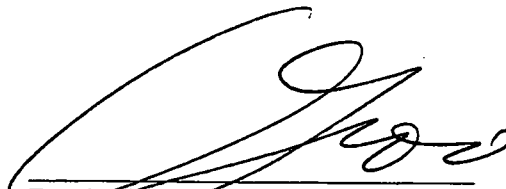
I certify that I have served this pleading on the State of South Carolina by placing a copy in the United States Mail, postage prepaid, on the date reflected below, addressed to:

Mr. Bennie Brown, SCDC # 169625  
Lee Correctional Institute  
990 Wisacky Highway  
Bishopville, SC 29010

Don Zelenka, Esquire  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211

Robert Michael Dudek, Esquire  
S.C. Commission on Indigent Defense  
PO Box 11589  
Columbia, SC 29211

(signature on next page)



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February 14, 2017

Bennie Brown, Jr., 169625  
Lee Correctional Institution  
F-1-A Unit, Room No: 2107  
990 Wisacky Highway  
Bishopville, South Carolina

29010

February 10, 2017.

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FEB 14 2017

S.C. SUPREME COURT

Charles E. Grose, Jr. Esq.  
The Grose Law Firm, LLC  
404 Main Street  
Greenwood, South Carolina 29646

RE: Bennie Brown, Jr. vs. State of South Carolina

Appellate Case No: 2016-001597

Dear Counselor Grose:

This correspondence is in reference to your decision to continue representing me on direct review before the South Carolina Supreme Court. Counselor I don't remember requesting your services in this matter; nor have you been retained.

Sir, after careful consideration and discussing this matter with my family, I have decided that the South Carolina Office of Indigent Defense in Columbia to handle my direct review.

If you may be so kind and forward my trial transcripts and any and all documents you have file in this matter to them. Also, inform them that their services are needed in my appeal; and please forward a complete copy of my case file to me at the above address pursuant to IN THE MATTER OF HADDOCK, 321 S.E.2d 601 (SC.1984) and MATTER OF CROSLAND, 270 S.C. 546, 243 S.E.2d 198 (SC.1987).

Thanking you in advance and your cooperation in this matter, shall be most gratefully appreciated.

With kind regards, ..... I'm,

Respectfully entrusted

Bennie Brown Jr.

Bennie Brown, Jr.  
Appellant

cc: South Carolina Supreme Court  
South Carolina Office of Indigent Defense  
Office of Disciplinary Counsel