

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM NEWBERRY COUNTY
Court of General Sessions

MAY 31 2017

The Honorable Eugene C. Griffith, Jr., Circuit Court Judge

SC Court of Appeals

Case No.: 2014-002358

The State,.....Respondent,

v.

Toaby Alexander Trapp,.....Appellant.

MOTION TO BE RELIEVED AS COUNSEL

Dietrich A. Lake
The Lake Law Firm
1034 Briargate Circle, Ste. 201
Columbia, SC 29210
(803) 750-8311
Attorney for Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Case No.: 2014-002358

The State)	
)	
Respondent)	
)	
v.)	MOTION TO BE RELIEVED
)	AS COUNSEL
)	(RULE 240)
Toaby Alexander Trapp)	
)	
Appellant)	

Counsel for the Appellant respectfully moves before this Honorable Court for an order permitting counsel to be relieved as the Appellant's attorney in this matter pursuant to Rule 240, SCACR. Furthermore, Counsel for the Appellant requests this Honorable Court appoint counsel for the Appellant due to his likely indigence and stay the time limits for filing the Petition for Rehearing and perfecting this appeal until new counsel is appointed and has sufficient time to file the Petition for Rehearing.

The specific supporting grounds for this petition are set forth and discussed below.

Counsel makes this request to be relieved based upon the following:

1. The Appellant is likely indigent since he has been incarcerated since October 31, 2014 and counsel is not retained to represent him further.
2. That the Appellant is continued need of representation in this appeal of his convictions in this case.

3. That Counsel for the Appellant previously waived some fees and expenses of the Appellant due to the Appellant's inability to pay for the services.
4. That Counsel for the Appellant would incur great hardship and expenses if he is required to continue to represent the Appellant in this appeal.
5. That the time limits to file the Petition of Rehearing should be stayed to allow appointment of a new appellate counsel.
6. That withdrawal at this time should not result in foreseeable prejudice.

WHEREFORE, Counsel for the Appellant respectfully request that this Honorable Court grant its Motion to be Relieved as Counsel in this case, to grant his motion to appoint new appellate counsel for the Appellant, and to stay the limits to continue perfection of this appeal, Counsel for the Appellant prays this Court schedules this matter at the Court's earliest convenience to determine whether this Court will grant the relief requested.

Respectfully submitted,



Dietrich A. Lake #69649
The Lake Law Firm
1034 Briargate Circle, Ste. 201
803/750-8311 *office*
803/750-8312 *fax*
ATTORNEY FOR APPELLANT

May 31, 2017

RECEIVED

MAY 31 2017

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of General Sessions

The Honorable Eugene C. Griffith, Jr., Circuit Court Judge

Case No.: 2014-002358

The State,.....Respondent,

v.

Toaby Alexander Trapp,.....Appellant.

PROOF OF SERVICE

The undersigned counsel for the Appellant hereby certifies that the Motion to be Relieved was served and delivered upon counsels for the Respondent by U.S. mail to: Alan Wilson and William M. Blich, Jr., Office of the Attorney General, PO Box 11549, Columbia, SC 29211-1549; David M. Stumbo, Eighth Circuit Solicitor's Office, PO Box 516, Greenwood, SC 29648; and Toaby Trapp, Perry Correctional Institution 430 Oaklawn Road, Pelzer, SC 29669.

May 31, 2017



Dietrich A. Lake
The Lake Law Firm
1034 Briargate Circle, Ste. 201
Columbia, SC 29210
(803) 750-8311
Attorney for Appellant

The Lake Law Firm, LLC

***1034 Briargate Circle, Suite 201
Columbia, SC 29210***

***Office 803/ 750-8311
Fax 803/ 750-8312***

Dietrich A. Lake

May 31, 2017

Hand Delivery

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29211

Re: State v. Toaby Alexander Trapp
Appellate Case No.: 2014-002358

RECEIVED
MAY 31 2017
SC Court of Appeals

Dear Ms. Kitchings:

Please find enclosed an original and six (6) copies of the Appellant's Motion to be Relieved and Proof of Service defining the exhibits requested. Please file the originals and return the stamped copies to me.

By copy of this letter, I am serving opposing counsels and the Appellant with a copy of this motion.

I appreciate your cooperation and prompt attention in this matter. Please feel free to contact me should you have any additional questions.

With kind regards,



Dietrich A. Lake

cc (w/ encls.): Alan M. Wilson
William M. Blicht, Jr
David M. Stumbo
Toaby A. Trapp