

# The Supreme Court of South Carolina

The State, Respondent,

v.

Kevin Choice, Appellant.

Appellate Case No. 2017-001262

Lower Court Case No. 1999GS43000756

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## ORDER

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The South Carolina Court of Appeals denied the petition for rehearing in this case on May 1, 2017.<sup>1</sup> Appellant's counsel has now moved to be relieved as counsel for the appellant, and to stay the time limits for seeking review under Rule 242 of the South Carolina Appellate Court Rules (SCACR) pending action on this motion.

While it is troubling that this motion was not made until the last day to serve and file the petition for a writ of certiorari and appendix under Rule 242, SCACR, the motion is granted, and the records of this Court will now reflect that appellant is proceeding without counsel in this matter.<sup>2</sup>

Any petition for a writ of certiorari and appendix under Rule 242, SCACR, must

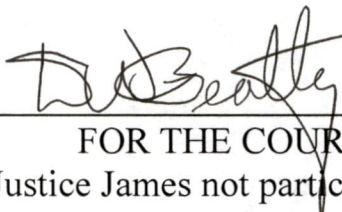
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<sup>1</sup> Before the Court of Appeals, the appellate case number was 2013-002735.

<sup>2</sup> There is no right to appointed counsel in a case seeking discretionary review under Rule 242, SCACR. *Ross v. Moffitt*, 417 U.S. 600, 94 S.Ct. 2437, 41 L.Ed.2d 341 (1974); *see also Douglas v. State*, 369 S.C. 213, 631 S.E.2d 542 (2006); *State v. Clinkscales*, 318 S.C. 513, 458 S.E.2d 548 (1995). Appellant is, of course, free to retain counsel if he desires to do so. If appellant decides to retain counsel, he should advise this Court of the name of that counsel within fifteen (15) days of the date of this order.

be served and filed within thirty (30) days of the date of this order.



  
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FOR THE COURT  
Justice James not participating.

Columbia, South Carolina  
June 7, 2017

cc: Mr. Kevin Choice, #257223  
Alan McCrory Wilson, Esquire  
Jeremy Adam Thompson, Esquire  
Donald J. Zelenka, Esquire  
John W. McIntosh, Esquire  
The Honorable Jenny Abbott Kitchings