

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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JUN 13 2017

SC Court of Appeals

APPEAL FROM UNION COUNTY  
D. Garrison Hill, Circuit Court Judge  
Appellate Case No. 2017-000188

THE STATE,

Respondent,

v.

ELSON MCKANIC, JR.,

Appellant.

RESPONSE TO RESPONDENT'S RETURN FOR  
MOTION FOR APPOINTMENT OF COUNSEL

The petitioner, pro se, makes his Response to Respondent's Return to his Motion for Appointment of Counsel and would show unto the Court:

PROCEDURAL HISTORY

The petitioner concedes the Respondent's account of the Procedural History of his case to the extent that it does not deny his Request for Appointment of Counsel.

Writ of Mandamus

On or about December 21, 2016, the Petitioner filed a Writ of Mandamus arguing that the Court should entertain the merits of his writ to correct a miscarriage of Justice regarding his unlawful life sentence for three (3) armed robberies pursuant to S.C. Code §17-25-45, for which the transcript of record shows that he was not served any timely "Notice" to seek such a sentence pursuant to S.C. Code §17-25-45(H).

Notwithstanding, the petitioner further Submits that he is slightly retarded and needs the assistance of Counsel to adequately present his case for appellate review.

Wherefore, having shown that he was not served any "Notice" by the State to seek his unlawful life sentence, coupled with his challenged mental condition should entitle him to appointment of Counsel to serve the interest of fundamental fairness, and to correct a gross miscarriage of Justice.

Respectfully Submitted,

Elson M. McKanic

Elson McKanic, #182215  
Perry Correctional Inst.  
430 Oaklawn Road-A1  
Petzer, S.C. 29669

Pro Se

This 7 day of June, 2017

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APPEAL FROM UNION COUNTY  
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ELSON MCKANIC,

PETITIONER,

v.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

The undersigned do hereby certifies that a true copy of his response to "Respondent's Return for Motion for Appointment of Counsel" has been served upon Respondent's Counsel by mailing one (1) copy in the U.S. Mail, postage prepaid to:

Justin James Hunter  
S.C. Bar No. 101254  
Office of the Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211  
ATTORNEY FOR RESPONDENT

Elson McKanic  
Elson McKanic #182215  
Perry Correctional Inst.  
430 Oaklawn Road-Q1  
Pelzer, S.C. 29669  
Pro Se

This 7 day  
of June, 2017

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JUN 07 2017

P.C.I. MAILROOM

Date: June 7, 2017

S.C. Court of Appeals  
Jenny Abbott Kitchings, Clerk  
P.O. Box 11629  
Columbia, S.C. 29211

Re: State v. Elson Makanic, Jr.  
Appellate Case No. 2017-000188

Dear Hon. Kitchings:

Enclosed please find my Response to Respondent's Return for Motion for Appointment of Counsel and Certificate of Service for same for filing with your office.

Sincerely,

Elson M. Makanic

Elson Makanic #182215  
Perry Correctional Inst.  
430 Oaklawn Road-01  
Pelzer, S.C. 29669

Pro Se

cc: Attorney for Respondent  
file

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SC Court of Appeals

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P.C.I. MAILROOM

Wilson III = Manual 18000  
Perry Correctional Inst.  
430 Oaklawn Rd. Q1-A221  
Pet 201, S.C. 29669

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JUN 07 2017

**P.C.I. MAILROOM**

S.C. Court of Appeals

Jenny Abbott Kitching, Clerk

P.O. Box 11629

Columbia, S.C. 29211

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**LEGAL MAIL**