

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Greenville County
John C. Hayes, Circuit Court Judge

RECEIVED
FEB 21 2018
SC Court of Appeals

DAVID STEVENSON BOYD, II,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2016-002560

RETURN TO MOTION TO RELIEVE COUNSEL

Undersigned Chief Appellate Defender making the return to petitioner's motion to relieve Appellate Defender Robert M. Pachak as counsel would respectfully show this court:

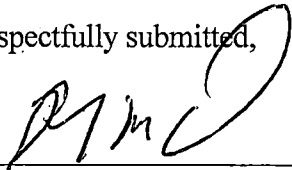
1) Under the highly unusual circumstances of this case the undersigned Chief Appellate Defender does not oppose the motion to relieve Appellate Defender Robert M. Packak. Generally, Counsel submits that an Appellate Defender filing a brief on direct appeal pursuant to Anders v. California, 386 U.S. 738 (1967), and a subsequent certiorari petition on appeal from the denial of post-conviction relief pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988) does not constitute a grounds to move to relieve appellate counsel in a PCR appeal. However, given the highly unusual facts of this case, the undersigned Chief Appellate Defender does not oppose the

petition to relieve appellate counsel.

2) If the petition to relieve counsel is granted, undersigned counsel will reassign the case to another appellate defender to ascertain whether a motion to withdraw the Johnson petition, and substitute it with another petition for writ of certiorari would be proper or not proper.

WHEREFORE, undersigned counsel does not oppose the motion to relieve counsel, and submits the matter of petitioner's representation to the sound discretion of this Court.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

February 21, 2018

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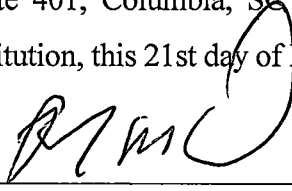
STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2016-002560

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the return to motion to relieve counsel in the above-referenced case has been served upon opposing counsel, Deshawn Mitchell, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, Robert M. Pachak, Esquire, at 1330 Lady Street, Suite 401, Columbia, SC 29201, and David Stevenson Boyd, II, #349271, at Lieber Correctional Institution, this 21st day of February, 2018.



Robert M. Dudek
Chief Appellate Defender

SUBSCRIBED AND SWORN TO before me
this 21st day of February, 2018.

Courtney Powell (L.S.)

Notary Public for South Carolina

My Commission Expires: May 2, 2027.

 ORIGINAL



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

February 21, 2018

The Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

Re: David Stevenson Boyd, II v. State
Appellate Case No. 2016-002560

Dear Ms. Kitchings:

Enclosed please find an original and six copies of the return to motion to relieve counsel along with a certificate of service.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD/cnp

Enclosure

cc: Deshawn Mitchell, Esquire
Robert M. Pachak, Esquire
David Stevenson Boyd, II, #349271