

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

J. John C. Hayes, III

Appellate Case No.: 2017-001659

RECEIVED

MAR 07 2018

SC Court of Appeals

State of South Carolina,

Respondent,

v.

Dean Alton Holcomb,


Appellant.

**MOTION FOR EXTENSION OF TIME TO
ORDER TRANSCRIPT FROM COURT REPORTER**

On December 6, 2017, Appellant filed a Motion to be Relieved as Counsel for the above-mentioned case. Since then, the undersigned has been in correspondence with the Office of the Chief Appellate Defender for Appellant's representation. To assist in the smooth transition of the case to the Appellate Defender's office, the undersigned sought the Appellant for the execution of his Affidavit of Indigency. Several attempts were made to procure the latter's Affidavit of Indigency, to no avail. It was only on March 1, 2018 that the undersigned discovered that the Appellant was transferred to Tyger River Correctional.

Due to this difficulty in procuring the Affidavit of Indigency from the Appellant, the Office of Appellate Defender will need more time to review Appellant's case file and to submit appropriate pleadings. The undersigned respectfully requests this Honorable Court to grant Appellant an extension of time to order transcript from the court reporter. This motion is not made for purposes of delay.

March 5, 2018


Donald L. Smith, Esquire
Attorney
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

ATTORNEY OFFICE OF DONALD SMITH

122 N. Main St.
Anderson SC 29621
attorneydonaldsmith@gmail.com

Donald L. Smith, Esquire

Telephone: (864) 642-9284
Facsimile: (864) 642-9285

March 5, 2018

Mr. Robert M. Dudek, Esquire
Chief Appellate Defender
SCCID
1330 Lady Street
Suite 401
Columbia SC 29201

RECEIVED
MAR 07 2018
SC Court of Appeals

RE: State v. Dean Alton Holcomb
Appeal No.: 2017-001659

Dear Mr. Dudek:

Please find enclosed the original, executed Affidavit of Indigency on behalf of Mr. Holcomb. I thought I had signed the affidavit. I filled out the rest of the materials.

I am also enclosing a copy of the Motion for Extension of Time to Order Transcript from Court Reporter, which I submitted to the Court of Appeals, to request for more time for your office to review the case.

If you have any questions, please do not hesitate to contact me.

With highest regards, I remain
Very truly yours,



Donald L. Smith
DLS/aaf
Enclosures

STATE OF SOUTH CAROLINA

COUNTY OF Spartanburg

AFFIDAVIT OF INDIGENCY

Case Name STATE of South Carolina v. Dean Alton Holcomb

Criminal Case No. Appellate Case No. 2017-001659

Current Address: 200 PRISON Rd. Tiger River Enclave 29335

Are you incarcerated? Yes (If "Yes") Where? Tiger River Correctional
 No

What were you convicted of? 2x Intimidation of witness

What was your sentence? 2x 90 months

Are you appealing from a trial, a guilty plea a post-conviction relief hearing?

In what county was this trial/hearing/guilty plea held? Greenville County

Presiding Judge's name? John Hayes

Date of trial/guilty plea or post-conviction relief hearing June 12-16

Were you represented by a court-appointed attorney public defender or retained counsel? part pro se / sister retained counsel for one (1) day.

Name of attorney/public defender? Donald L. Smith

If retained, how much did you pay for attorney fees? \$ 0 (my sister retained counsel during trial for \$2000.00)

If you still owe money to your attorney, how much? \$ 0 (my sister contracted w/him)

1. Are you presently employed? Yes No

a. If "yes," state the amount of your salary or wages per month, and give the name and address of your employer. _____

b. If "no," state the name and address of last employment, date of termination of employment, and amount of your salary or wages per month. I was last employed with ~~Architecting Company~~ CAROLINA Home Renovators

2. List by name, age and relationship to you, any persons who are dependent upon you for support. Indicate beside each how much you contribute toward their support. n/a

3. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or form of self-employment?
Yes _____ No X

b. Rent payments, interest or dividends?
Yes _____ No X

c. Pensions, annuities or life insurance payments?
Yes _____ No X

d. Gifts or inheritance?
Yes _____ No X

e. Any other sources?
Yes Y No _____

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

money for cafeteria in prison Sister sends

4. Do you own cash, or do you have any money in a checking or savings account?
Yes _____ No X

If the answer is "yes," state the total amount of the cash owned. \$ _____

5. Do you own any real estate, stocks, bonds, notes or other valuable property (excluding ordinary household furnishings and clothing)? Yes _____ No X

If the answer is "yes," describe the property and state the appropriate value of the items owned.

6. What kind of motor vehicle do you own? n/a

Is it paid for? Yes _____ No _____
If not, what are the monthly payments? \$ _____

7. How much do you owe (on liens, mortgages, other encumbrances or debts)? n/a

I do solemnly swear that the account by me delivered into this Court does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I, or any person in trust for me, have or at the time of my possession had, or am, or was, in respect, entitled to, in possession, remainder or reversion and that I have not at any time since charges were made against me or before, directly or time since charges were made against me or before, directly or indirectly sold, leased, assigned or otherwise disposed of or made over, in trust for myself or otherwise, other than is mentioned herein.

I understand that the State shall file a claim against me in an amount equal to the cost for representation, but that such claim shall not constitute a lien against my property, unless, the claim is reduced to judgment by the Order of the Court after giving me at least thirty days' notice.

Under penalty of perjury, I certify that the information give by me on this affidavit is true and correct, and I understand that I will be subject to civil and/or criminal penalties if I knowingly furnish false information.

I am financially unable to employ counsel.

This 1st day of March 2018

Dean A. Holcomb
Defendant

I understand that I am entitled to at least thirty days' notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

This 1st day of March 2018

Dean A. Holcomb
Defendant

SUBSCRIBED AND SWORN to before
me this 1st day of March _____

Deid Smith
NOTARY PUBLIC FOR SOUTH CAROLINA

My commission Expires: 11/18/2024

**FORM 7
PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

J. John C. Hayes, III

C.A.: 2014-GS-23-08176, 8177, 8178, and 8179
Appellate Case No.: 2017-001659

State of South Carolina,
v.

Dean Alton Holcomb,

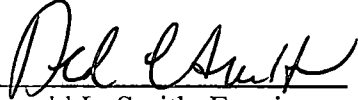
Respondent,

Appellant.

PROOF OF SERVICE

I certify that I have served a copy of Appellant's Motion for Extension of Time to Order Transcript from Court Reporter, and Proof of Service for same upon The Honorable Jenny Abbott Kitchings, Clerk of Court South Carolina Court of Appeals, PO Box 11629, Columbia SC 29211, Mr. Alan Wilson, Attorney General and J. Benjamin Aplin, Senior Assistant Deputy Attorney General at the Office of Attorney General, Post Office Box 11549, Columbia, SC 29211, Mr. Russell Ghent, Assistant Solicitor for the Seventh Judicial Circuit, at 180 Magnolia Street, Spartanburg SC 29306, and Mr. Robert M. Dudek, Chief Appellate Defender at 1330 Lady Street, Suite 401, Columbia SC 29201, by depositing a copy of it in the United States Mail, postage prepaid, on March 5, 2018.

March 5, 2018


Donald L. Smith, Esquire
Attorney
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

RECEIVED
MAR 07 2018
SC Court of Appeals

FORM 8
LETTER TO THE APPEALS COURT CLERK

March 5, 2018

The Honorable Jenny Abbott Kitchings
Clerk of Court South Carolina Court of Appeals
Post Office Box 11629
Columbia SC 29211

RECEIVED
MAR 07 2018
SC Court of Appeals

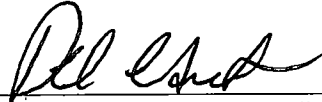
RE: State v. Dean Alton Holcomb
Appellate Case No.: 2017-001659

Dear Honorable Kitchings:

Please find enclosed the following:

- (1) An original and six (6) copies of the Appellant's Motion for Extension of Time to Order Transcript from Court Reporter;
- (2) A copy of Letter to Chief Appellate Defender Mr. Michael Dudek; and,
- (3) Proof of Service for same.

Sincerely,



Donald L. Smith, (SC Bar#6699)
Attorney
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

cc:

Mr. Alan McCrory Wilson, South Carolina Attorney General
Mr. J. Benjamin Aplin, Senior Assistant Deputy Attorney General
Mr. Russell Ghent, Assistant Solicitor for the Seventh Judicial Circuit
Mr. Robert M. Dudek, Chief Appellate Defender

✓

Attorney Office of Donald Smith
122 N. Main Street,
Anderson, SC 29621


RECEIVED

MAR 07 2018

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court South Carolina Court of Appeals
Post Office Box 11629
Columbia SC 29211



UNITED STATES POSTAGE

PITNEY BOWES
\$002.89⁰
02 1P
0000549874 MAR 05 2018
MAILED FROM ZIP CODE 29621

