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SC Court of Appeals



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender  
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May 8, 2018

Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
P.O. Box 11330  
Columbia, South Carolina 29211

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S.C. SUPREME COURT

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

Dear Mr. Shearouse:

On May 22, 2017, Appellate Defender Robert M. Pachak filed a Johnson petition in the above referenced case. Petitioner filed a *pro se* response to that Johnson petition. He alleged that since Mr. Pachak represented him on direct appeal and filed an Anders brief, there must be a conflict of interest in Mr. Pachak filing the current Johnson petition and that, because of that conflict of interest, the Johnson petition should be withdrawn.

On February 21, 2018, Chief Appellate Defender Robert M. Dudek filed a return to Petitioner's *pro se* motion. Due to the highly unusual circumstances of this case, he chose not to oppose the motion to relieve Mr. Pachak as counsel, and he decided that, if the motion was granted, he would reassign the case to ascertain whether a motion to withdraw the Johnson petition, and substitute it with another petition for writ of certiorari, would be proper.

On March 19, 2018, I sent a letter to the Court confirming SCCID's receipt of the March 16, 2018 order granting the motion to relieve counsel and advised the Court that I would be representing Petitioner in this case.

After having reviewed the record in the above referenced case, it is my opinion that the Johnson petition filed by Mr. Pachak should not be withdrawn because I did not find any conflict of interest and do not believe there are any meritorious issues to raise in Petitioner's post-conviction relief appeal. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

Victor R. Seeger  
Appellate Defender

VRS/csb

cc: DeShawn Mitchell, Esquire  
client