

STATE OF SOUTH CAROLINA

ORIGINAL

IN THE COURT OF APPEALS

Appeal from Edgefield County

D. Craig Brown, Circuit Court Judge

RECEIVED

JUN 29 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MONTRELL DESHAWN TROUTMAN,

APPELLANT

APPELLANT CASE NO. 2017-002224

MOTION TO APPOINT OR SUBSTITUTE COUNSEL

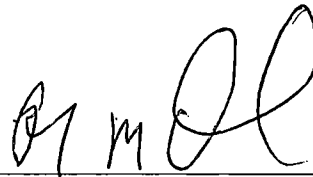
The South Carolina Commission on Indigent Defense, Division of Appellate Defense, represents Appellant in this appeal. Pursuant to the 2018 Appellate Practice Project, conducted with the South Carolina Bar, the Division of Appellate Defense previously moved to have William Kyle Geddings, Esquire, appointed as lead counsel in this Appellate Project case. This Court, upon information and belief, to date has not issued an order appointing Mr. Geddings as counsel. Mr. Geddings contacted undersigned counsel yesterday and informed him that he only attended the Appellate Project CLE for educational purposes, and he did not ask to be appointed on a case. After consulting with the South Carolina Bar Association today we determined that our spread sheets indicating Mr. Geddings wanted to be appointed on an Appellate Project case were in error. CONSEQUENTLY, undersigned counsel now moves to appoint William Grayson Lambert as lead counsel for appellant or to substitute Mr. Lambert as lead counsel and remove or relieve William Kyle Geddings as lead counsel for Appellant if an order appointing Mr. Geddings has been executed. Chief Appellate Defender Robert M. Dudek will remain as co-counsel to William Grayson Lambert. The terms of participation in the Appellate Practice Project require that the appointment be made under the following conditions:

- The appointed attorney will serve pro-bono. No travel, research, printing or other costs will be reimbursed by the Commission without the prior written

approval of Hugh Ryan, III, Hervery Young, or Robert M. Dudek.

- The appointed attorney will be responsible for preparing the briefs and Record on Appeal and delivering them to the Appellate Division for printing and filing no later than one week before the due date. The initial brief, any initial reply brief, the Record on Appeal, and the final briefs must be "file ready" when delivered to the Appellate Division for printing (this includes a complete table of authorities, certificate of service, and designation of matter to be included in the Record on Appeal). The Record on Appeal must also be numbered and redacted. The cover page of each brief and the Record on Appeal must contain the names, addresses and phone numbers of the Appointed Attorney first, and of the Chief Appellate Defender second.
- The attorney assigned will be responsible for issue selection, writing the brief, and arguing the case before the South Carolina Court of Appeals if an oral argument is scheduled. Appointed counsel also must decide whether to petition for rehearing, and for certiorari to the state Supreme Court if the appeal to the Court of Appeals is unsuccessful. The attorney assigned may consult with the Chief Appellate Defender on each of these matters but is primarily responsible for the ultimate decision on each matter.
- The appointment will remain in effect until any petition for rehearing is ruled upon by the Court of Appeals. Any decision to seek discretionary review from the Supreme Court can be made in conjunction with the Chief Appellate Defender. However, representation will remain on a pro bono basis.
- In the event of a post-conviction relief case alleging ineffective assistance of appellate counsel, at the request of the State or the applicant, the appointed attorney must make their files available as required by the rules of court, and attend any post-conviction hearing scheduled to resolve the claim.

Respondent consents to this motion.



Robert M. Dudek
Chief Appellate Defender

This 29th day of June, 2018

cc: William Grayson Lambert, Esquire
William Kyle Geddings, Esquire
Montrell Deshawn Troutman #374291
J. Benjamin Aplin, Esquire

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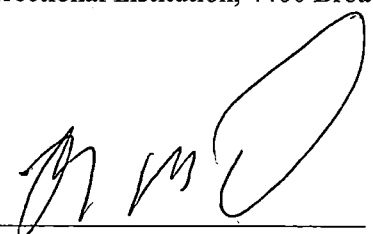
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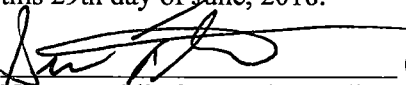
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Motion to Substitute Counsel in the above referenced case has been served on J. Benjamin Aplin, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, a copy of the Motion to Substitute Counsel has been served on William Grayson Lambert, Esquire, at McNair Law Firm, 1221 Main Street, Columbia, SC 29201, and a copy of the Motion to Substitute Counsel has been served on Montrell Deshawn Troutman, #374291, at Broad River Correctional Institution, 4460 Broad River Road, Columbia, SC 29210, this 29th day of June, 2018.



Robert M. Dudek
Chief Appellate Defender

SUBSCRIBED AND SWORN TO before me
this 29th day of June, 2018.



(L.S)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.