

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

Benjamin Culbertson, Circuit Court Judge

STATE OF SOUTH CAROLINA,

V.

MATT STEVENS,

RESPONDENT

APPELLANT.

Appellate Case No. 2018-001186

MOTION FOR APPOINTMENT
OF OUTSIDE COUNSEL

Undersigned counsel respectfully moves this Court to appoint outside counsel to represent appellant Matt Stevens in his appeal of the guilty plea, the denial of motion his to reconsider his sentence and, the denial of his motion to grant credit for the time spent on home arrest.

Appellant Stevens pled guilty and was sentenced by the Honorable Benjamin Culbertson to twelve years of imprisonment for burglary (violent) second degree on April 12, 2018. The post-trial motions were denied without a hearing on June 13, 2018.

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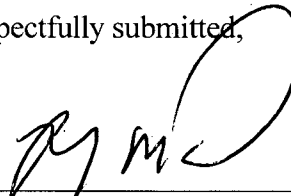
SC Court of Appeals

Undersigned counsel represented Kayla Wright, whose case is now pending on direct appeal before this Court in State v. Kayla Gayle Wright, Appellate Case No. 2017-000091. Kayla Wright was the girlfriend of Appellant Stevens, but she ultimately took an adverse position to Appellant Stevens, rather than supporting him, before Appellant Stevens pled guilty.

At a minimum, undersigned counsel, the Chief Appellate Defender, believes the appearance of a conflict of interest would exist if this law office represented both Appellant Kayla Gayle Wright and Appellant Stevens. See Rule 1.7, RPC, Rule 407, SCACR.

WHEREFORE, undersigned counsel respectfully requests the appointment of outside counsel to represent Appellant Matt Stevens on appeal before this Court. Counsel also requests that all timelines be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

Attorney for Appellant

This 11th day of January, 2019.



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

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

January 11, 2019

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SC Court of Appeals

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

Re: The State v. Matt Stevens – Appellate Case No. 2018-001186

Dear Ms. Kitchings:

Enclosed are an original and six copies of the Motion for Appointment of Outside Counsel in the above-captioned case. Thank you for your assistance in this matter.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD/mpm

cc: J. Benjamin Aplin, Esquire

Enclosure

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Benjamin Culbertson, Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

MATT STEVENS,

APPELLANT.

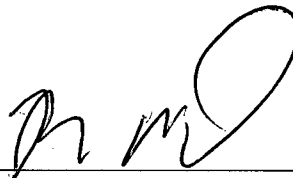
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SC Court of Appeals

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion for Appointment of Outside Counsel in the above referenced case has been served upon opposing counsel, J. Benjamin Aplin, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 11th day of January, 2019.



Robert M. Dudek
Chief Appellate Defender

Attorney for Appellant

SUBSCRIBED AND SWORN TO before me
this 11th day of January, 2019.

hans jendel (L.S.)

Notary Public for South Carolina
My Commission Expires: June 23, 2023.