

# The Supreme Court of South Carolina

The State, Respondent,

v.

John Henry Dial, Jr., Petitioner.

Appellate Case No. 2017-002205

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## ORDER

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By letter dated March 11, 2019, the Clerk of this Court advised petitioner of the death of his counsel in this case, and requested the following from petitioner:

If you are going to retain counsel in this case, you will need to provide this Court with the name of the counsel that you have retained within twenty (20) days of the date of this letter. If you are indigent and desire to have counsel appointed to represent you in this case, you will need to complete and return the enclosed affidavit of indigency to this Court within twenty (20) days of the date of this letter.

No response to this letter has been received by this Court.

If, within twenty (20) days of the date of this letter, petitioner fails to either provide this Court with the name of his retained counsel, or complete and return the enclosed affidavit of indigency to this Court, the records of this Court will reflect that petitioner is proceeding without counsel in this case. Petitioner is warned that there are significant dangers and disadvantages of proceeding without counsel in this case. This includes the fact that this Court will require full compliance with all applicable rules and procedures, and the failure to comply with these rules or procedures could result in the dismissal of this case. Petitioner is certain to be unlearned in other aspects of the law as well. Representation by an attorney trained in the law would be highly beneficial, and this Court strongly encourages petitioner to either retain counsel or complete and return the enclosed affidavit of

indigency.

  
\_\_\_\_\_  
FOR THE COURT C.J.

Columbia, South Carolina

April 16, 2019

cc: Alan McCrory Wilson, Esquire  
William M. Blich, Jr., Esquire  
Heather Savitz Weiss, Esquire  
Mr. John Henry Dial, Jr. (with enclosure)

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF \_\_\_\_\_ )

IN THE COURT OF GENERAL SESSIONS  
~~JUDICIAL CIRCUIT,~~

**SUPREME COURT**

THE STATE OF SOUTH CAROLINA )

**AFFIDAVIT OF INDIGENCY**

**AND**

**APPLICATION FOR COUNSEL**

(Defense of Indigency Act, Form No.2)

vs. )

JOHN H. DIAL, JR. )

APPELLATE CASE NO.  
CRIMINAL CHARGING DOCUMENT NO.

2017 - 002205

NAME OF APPLICANT	
ADDRESS	
TELEPHONE NUMBER(S)	
DATE OF BIRTH	
SOCIAL SECURITY NO.	
NAMES OF CO-DEFENDANTS	

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.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER

If "no", state the name and address of last employment, date of termination of employment, and amount of your salary or wages per month.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER	TERMINATION DATE

2. Include employment information for the spouse, if applicable.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER

If the spouse is not currently employed, state the name and address of last employment, date of termination of employment, and amount of salary or wages per month.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER	TERMINATION DATE

3. 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.

NAME	AGE	RELATIONSHIP	AMOUNT OF SUPPORT

4. 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
- b. Rent payments, interest or dividends? Yes  No
- c. Pensions, annuities or life insurance payments? Yes  No
- d. Gifts or inheritances? Yes  No
- e. Any other sources? Yes  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.

SOURCE OF MONEY	AMOUNT

5. Do you own cash, or do you have any money in a checking or savings account?

Yes  No

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

6. Do you own any real estate, stocks, bonds, notes, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes  No

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. What kind of motor vehicle do you own? \_\_\_\_\_

Is it paid for? Yes  No

If not, what are the payments? \_\_\_\_\_

8. How much do you owe (on liens, mortgages, other encumbrances or debts)? \_\_\_\_\_

I do solemnly swear that the account by me delivered into this court with my application for counsel 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 any 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 indirectly sold, leased, assigned or otherwise disposed of or made over, in trust for myself or otherwise, other than is mentioned herein.

I understand the appointment of counsel creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in an amount equal to the cost of representation less the amount paid to appointed counsel, the public defender office and/or the Commission on Indigent Defense. I understand that such claim shall be filed in the office of the Clerk of Court in the county where I, my child, or ward are assigned counsel, but that the filing of a claim shall not constitute a lien against my real or personal property unless, in the discretion of the court, part of all of such claim is reduced to judgment by appropriate order of the court after serving me with at least thirty (30) days notice that judgment will be entered.

~~I understand that, pursuant to §17-3-30(b), I am required to pay a non-refundable \$40.00 application fee to the Clerk of Court for public defender services or other appointed counsel.~~

I am financially unable to employ counsel and request that counsel be assigned to represent me. 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 \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Defendant or Parent/Guardian if applicable

Subscribed and sworn to before me this ____ day of _____, _____ (L.S.) Notary Public for South Carolina My Commission Expires: _____
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The applicant's request for court-appointed counsel is hereby  granted /  denied.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge/Clerk or Deputy Clerk

\_\_\_\_\_, South Carolina