

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Richland County
Honorable John C. Few, Circuit Court Judge

RECEIVED

JAN 31 2013

THE STATE,

RESPONDENT,

V.

KEVIN REED,

APPELLANT

RECEIVED

FEB 01 2013

APPELLATE CASE NO. 2011-193090

SC Court of Appeals

MOTION FOR APPOINTMENT
OF OUTSIDE COUNSEL

The undersigned respectfully shows the Court:

1. Appellant was convicted of assault and battery of a high and aggravated nature (ABHAN) at a jury trial on March 21-25, 2005, before the Honorable John C. Few.
2. Appellant's trial attorney, I.S. Leevy Johnson, filed a motion for a new trial on March 31, 2005.
3. In March 2009, Judge Few mailed an order to the Richland County Clerk of Court denying Appellant's motion for a new trial. However, the order was never filed by the Clerk. (See Exhibit A).
4. Upon an inquiry from appellant, Judge Few checked on the appeal and learned that it was dismissed as untimely. Judge Few inquired and learned no written order denying appellant's motion for a new trial was on file in the Richland County Clerk's Office. Judge Few ruled that since a written order was never filed, Appellant's conviction was not final.