

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of General Sessions

William H. Seals Jr., Circuit Court Judge

RECEIVED

JUL 03 2019

Appellate Case No. 2019-000363

SC Court of Appeals

General Sessions Case No. 2018-GS-46-08147

The State, Respondent,

v.

Darius J. Stewart, Appellant.

MOTION TO BE RELIEVED AS COUNSEL

Montrio Belton petitions the Court pursuant to Rule 264, SCACR to be relieved as Counsel for cause. Counsel justifies this Motion because counsel visited with Mr. Stewart on April 5, 2019, at Kirkland Correctional Institution. Mr. Stewart walked out of the meeting with counsel and refused to speak with counsel regarding the case. Subsequently, counsel sent two (2) letters to Mr. Stewart. Mr. Stewart did not respond to either letter. Consequently, counsel has had no communication with Mr. Stewart since the brief visit on April 5, 2019.

Mr. Stewart and a member of Mr. Stewart's family have informed counsel and counsel's office that Mr. Stewart has retained another attorney to handle all appeals and Post Conviction Relief (PCR) matters. Mr. Stewart has not submitted the indigency application mailed to him by counsel. One application was sent to Kirkland Correctional Institution, and a second application was mailed to McCormick Correctional Institution.

Finally, Mr. Stewart indicated to counsel during the April 5, 2019, visit that he was not pleased with counsel's representation and intended to pursue an "ineffective assistance of counsel" claim against counsel.

For the above-mentioned reasons, Montrio Belton motions the Court to be relieved as counsel for Darius J. Stewart for all matters pending before this and any other court.

July 1, 2019



Montrio M. Belton
SC Bar #102189
125 Hampton Street
P.O. Box 566
Rock Hill, SC 29731
803-324-4529
Attorney for Appellant

Other Counsel of Record:

Assistant Solicitor Sharon Ohayon
1675-1A York Highway
York, SC 29745
803-628-3020

Appellant

Darius J. Stewart
Inmate # 00299076
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899



Montrio Belton

LAW OFFICES OF MONTRIO BELTON, LLC

June 30, 2019

Via Certified Mail

The South Carolina Court of Appeals

Attn: Clerk

PO Box 11629

Columbia, SC 29211

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SC Court of Appeals

RE: State of South Carolina v. Darius Jermale Stewart
Appellate Case No.: 2019-000363

Dear Clerk:

Please find enclosed:

1. The original and one (1) copy of the Motion for Extension regarding the ordering of transcripts upon receipt of the Affidavit of Indigency in the above-referenced matter; **and**
2. The original and one (1) copy of a Motion to Relieved as counsel pursuant to Rule 264, SCACR.

Thank you for your time and attention to these matters. Please do not hesitate to contact our office if you have any questions or need further information.

Sincerely,

Montrio M. Belton
125 Hampton Street, Suite 200
PO Box 566
Rock Hill, SC 29731
(803) 324 – 4529
Attorney for Appellant

Other Counsel of Record:

Sharon Ohayon, Assistant Solicitor
Sixteenth Circuit Solicitor's Office
1675-1A York Highway
York, South Carolina 29745
Attorney for Respondent

PO Box 566 – Rock Hill, SC 29731 – (803) 324-4529

www.montribelton.com

Appellant:

Darius J. Stewart

Inmate # 00299076

McCormick Correctional Institution

386 Redemption Way

McCormick, SC 29899

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