

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Robin B. Stillwell, Circuit Court Judge

THE STATE,

V.

FILICIANO JERMAINE SMITH,

RESPONDENT

SC Court of Appeals

ORIGINAL
RECEIVED

AUG 28 2019

APPELLANT

APPELLATE CASE NO. 2018-002039

MOTION TO HOLD APPEAL IN ABEYANCE
TO CLARIFY COUNSEL

Counsel for Filiciano Jermaine Smith respectfully moves this Court to hold the above referenced case in abeyance to permit the Court to clarify counsel for Appellant. In support of this motion, undersigned counsel presents the following:

1. The initial brief of appellant and designation of matter are due to be served and filed with this Court on September 4, 2019.
2. On August 27, 2019, Aimee J. Zmroczek, Esquire filed a notice of appearance stating Appellant's family retained her to represent Appellant in this appeal. Ms. Zmroczek requested this Court update its records to reflect this change in representation. Notably, the notice of appearance was not signed by Appellant indicating his consent to the substitution of counsel.
3. In light of the notice of appearance failing to indicate whether Appellant consents to the substitution of counsel, the attorney of record in this case is unclear.

4. Consequently, undersigned counsel respectfully requests the Court hold this case in abeyance to permit the Court to determine whether Appellant consents to the change in representation given these circumstances.

WHEREFORE, the undersigned counsel respectfully moves this Court to hold this appeal in abeyance in order to permit the Court to clarify counsel for Appellant. Undersigned counsel requests this Court hold the timelines for filing the initial brief of appellant and designation of matter in abeyance pending a decision on this motion.

Respectfully submitted,

A handwritten signature in black ink that reads "Lara M. Caudy". The signature is written in a cursive style and is positioned above a horizontal line.

Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

This 28th day of August, 2019

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Robin B. Stillwell, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

FILICIANO JERMAINE SMITH,

APPELLANT

CERTIFICATE OF SERVICE

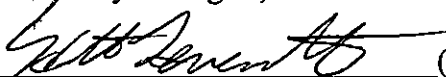
The undersigned attorney hereby certifies that a true copy of the Motion to Hold Appeal in Abeyance to Clarify Counsel in the above referenced case has been served upon William M. Blich, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; Aimee J. Zmroczek, Esquire, at P.O. Box 11961, Columbia, SC 29211; and Filiciano Jermaine Smith, #378210, at Lieber Correctional Institution, P.O. Box 205, Ridgeville, SC 29472, this 28th day of August, 2019.



Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 28th day of August, 2019.



(L.S.)

Notary Public for South Carolina

My Commission Expires: September 27, 2028.



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

August 28, 2019

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AUG 28 2019

SC Court of Appeals

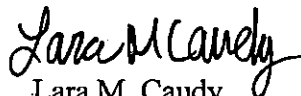
The Honorable Jenny Abbott Kitching
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, S.C. 29211

Re: The State v. Filiciano Jermaine Smith
Appellate Case No. 2018-002039

Dear Ms. Kitchings:

Enclosed are an original and six copies of the Motion to Hold Appeal in Abeyance to Clarify Counsel in the above referenced case. Thank you for your assistance in this matter.

Sincerely,


Lara M. Caudy
Appellate Defender

LMC/sl

Enclosure

cc: William M. Blitch, Jr., Esquire
Aimee J. Zmroczek, Esquire