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Robert M. Dudek, Chief Appellate Defender
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October 2, 2019

Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RECEIVED
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S.C. SUPREME COURT

Re: Ron O'Neal Finklea v. State of South Carolina
Appellate Case No. 2019-001104
Order appointing outside counsel

Dear Mr. Shearouse:

The understanding of the attorneys from the motion for appointment of counsel dated July 22, 2019, in this capital PCR case was that Diana Holt, and her co-counsel John Henry Blume, if appointed “[h]ave agreed to continue as counsel for Mr. Finklea on a *pro bono* basis . . .” See paragraph three of the motion for appointment of counsel.

In my return to the motion for appointment of outside counsel, I noted that “the Division of Appellate Defense does not have any conflict in this case.” In paragraph three of my return, I stated, “Based solely on the agreement of Counsel Diana L. Holt, Esquire, to represent respondent *pro bono* on appeal before this Court, with the *pro bono* assistance of Counsel John Henry Blume if Counsel Holt is appointed, undersigned counsel consents to these *pro bono* appointments. The Appellate Division can be associated for the cost of respondent’s printing by order of this Court.”

In this Court’s order of appointment dated September 27, 2019, it did not include the language that the appointment of Diana L. Holt and John H. Blume were appointments to serve *pro bono* as agreed upon in the motion for appointment of counsel and the return to that motion which were both filed with this Court. I am therefore requesting this Court’s guidance for clarity from what I am assuming is an omission from the September 27, 2019, order of appointment to specifically state that the appointments are “*pro bono* appointments” of counsel. I appreciate your assistance in this matter, and I regret any inconvenience it may cause the Court.

Sincerely,

A handwritten signature in black ink, appearing to read "R M Dudek". The signature is written in a cursive style with a large initial "R" and "M".

Robert M. Dudek
Chief Appellate Defender

RMD/csb

cc: Diana L. Holt, Esquire
John H. Blume, Esquire
Alan McCrory Wilson, Esquire
W. Jeffrey Young, Esquire
Donald J. Zelenka, Esquire
Melody Jane Brown, Esquire
William Joseph Maye, Esquire