

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
DEC 19 2019
SC Court of Appeals

Appeal from Lee County
R. Ferrell Cothran, Jr., Circuit Court Judge

ORIGINAL

THE STATE,

RESPONDENT

V.

KEVIN HERRIOTT,

APPELLANT

APPELLATE CASE NO. 2019-000969

RETURN TO MOTION TO RELIEVE
COUNSEL AND PROCEED *PRO SE*

Pursuant to Rule 240 of the South Carolina Appellate Court Rules (SCACR), undersigned counsel makes the following return to motion to relieve counsel and proceed *pro se*:

1. A Lee County Grand Jury indicted Appellant in September 2018 for assault and battery of a high and aggravated nature (ABHAN), attempted armed robbery, and carrying a weapon by an inmate. His case was called to trial on June 4, 2019 before the Honorable R. Ferrell Cothran, Jr., and a jury. Assistant Solicitor John Gentry represented the state, and Timothy Griffith represented Appellant.

2. Judge Cothran directed a verdict for the offense of ABHAN. The jury ultimately acquitted Appellant of the lesser included offense of first degree assault and battery, but found him guilty of attempted armed robbery and carrying a weapon by an inmate. Appellant was

sentenced to six years for attempted armed robbery and five years concurrent for the weapons offense.

3. A notice of appeal was filed with this Court on June 11, 2019. The Division of Appellate Defense undertook representation of Appellant and requested the trial transcript from the court reporter on July 5, 2019. Appellate Defense received the transcript on September 30, 2019.

4. Undersigned counsel was assigned to represent Appellant on or about October 8, 2019. Counsel mailed Appellant a new client letter with his trial transcript enclosed on that same date.

5. On September 23, 2019, Appellant filed a *pro se* motion to relieve counsel and proceed *pro se*. By letter dated December 12, 2019, this Court requested counsel file a return to this motion within ten days.

6. Undersigned counsel does not oppose Appellant's motion to relieve counsel and proceed *pro se* so long as Appellant understands the dangers and disadvantages of proceeding *pro se*. Counsel respectfully leaves the matter to the sound discretion of this Court.

WHEREFORE, undersigned counsel does not oppose the motion to relieve counsel and proceed *pro se* so long as Appellant understands the dangers and disadvantages of proceeding *pro se*, and leaves the matter to the sound discretion of this Court.

Respectfully submitted,


Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

December 19, 2019

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THE STATE,

RESPONDENT

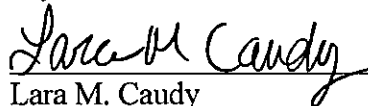
V.

KEVIN HERRIOTT,

APPELLANT

CERTIFICATE OF SERVICE

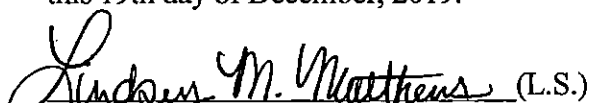
The undersigned attorney hereby certifies that a true copy of the Return to the Motion to Relieve Counsel and Proceed *Pro Se* in the above referenced case has been served upon William M. Blicht, Jr., Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and copy of the Return to the Motion to Relieve Counsel and Proceed *Pro Se* has been served upon Kevin Herriott, #313862, at Kirkland Correctional Institution, 4344 Broad River Road, Columbia, SC 29210, this 19th day of December, 2019.



Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 19th day of December, 2019.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: October 22, 2024.



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

December 19, 2019

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

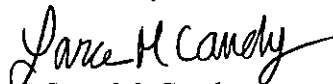
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RE: The State v. Kevin Herriott
Appellate Case No. 2019-000969

Dear Ms. Kitchings:

Enclosed are an original and six copies of the Return to the Motion to Relieve Counsel and Proceed *Pro Se* in the above referenced case. Thank you for your assistance in this matter.

Sincerely,


Lara M. Caudy
Appellate Defender

LMC/lmm

Enclosure

cc: William M. Blitch, Jr., Esquire