

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Clifton B. Newman, Circuit Court Judge

ORIGINAL

THE STATE,

RESPONDENT

v.

MARQUILLE RONDALE LIVINGSTON,

RECEIVED

DEC 19 2019

APPELLANT

SC Court of Appeals

APPELLATE CASE NO. 2018-001595

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 Richland County Grand Jury indicted Appellant in March 2018 for first degree burglary, first degree criminal sexual conduct (CSC), kidnapping, and petit larceny. Appellant's motion to relieve counsel and proceed *pro se* was granted during a pretrial hearing held on August 6, 2018 before the Honorable Deadra L. Jefferson.

2. Appellant's case was called to trial on August 20, 2018 before the Honorable Clifton B. Newman, and a jury. Assistant Solicitors Luck Campbell and Joanna McDuffie represented the state. Appellant represented himself. Alicia Goode was standby counsel.

3. The jury found Appellant guilty as indicted. He was sentenced to life without parole for first degree burglary, first degree CSC, and kidnapping pursuant to S.C. Code Ann. § 17-25-45, and thirty days concurrent for petit larceny.

4. A notice of appeal was filed with this Court on August 31, 2018. The Division of Appellate Defense undertook representation of Appellant and requested the pretrial and trial transcripts from the respective court reporters. Appellate Defense received the last of the transcripts on August 22, 2019.

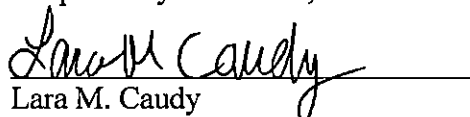
4. Undersigned counsel was assigned to represent Appellant on or about September 9, 2019. Counsel mailed Appellant a new client letter with his trial transcripts enclosed on that same date.

5. On October 9, 2019, Appellant filed a *pro se* motion to relieve counsel and proceed *pro se*. By letter dated December 10, 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 self-representation. 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 self-representation, and leaves the matter to the sound discretion of this Court.

Respectfully submitted,


Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

December 19, 2019

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Clifton B. Newman, Circuit Court Judge

THE STATE,

v.

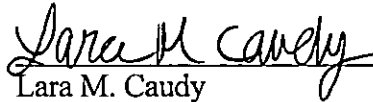
MARQUILLE RONDALE LIVINGSTON,

APPELLANT

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CERTIFICATE OF SERVICE

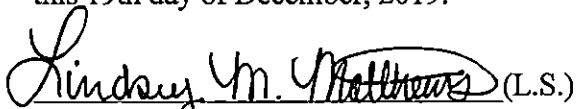
The undersigned attorney hereby certifies that a true copy of the Return to the Motion to Relieve Counsel and Proceed *Pro Se* in the above referenced case has been served upon William M. Blich, Jr., Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and copy of the Return to the Motion to Relieve Counsel and Proceed *Pro Se* has been served upon Marquille Rondale Livingston, #274774, at Perry Correctional Institution, 430 Oaklawn Road, Pelzer, SC 29669, 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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SC Court of Appeals

RE: The State v. Marquille Rondale Livingston
Appellate Case No. 2018-001595

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. Blich, Jr., Esquire