

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Marion County

D. Craig Brown, Circuit Court Judge

RECEIVED

Apr 23 2020

SC Court of Appeals

FRED R. HALCOMB, JR.,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2019-000476

RETURN TO MOTION TO WITHDRAW AS COUNSEL

Undersigned counsel makes this Return to the Motion of Joshua A. Bailey, Esquire, to withdraw as counsel to petitioner, Fred R. Halcomb, Jr.

1) The Office of Appellate Defense has no objection to the motion of Joshua A. Bailey to withdraw as counsel for petitioner, Fred R. Halcomb, Jr.

2) Prior counsel Jeremy Thompson filed a petition for writ of certiorari on Petitioner Halcomb's behalf with this Court on July 26, 2019. Senior Assistant Attorney General David Spencer filed a return to this petition for writ of certiorari on December 2, 2019. Petitioner's counsel Jeremy Thompson then filed a reply to the state's return dated January 15, 2020.

3) Counsel Thompson was subsequently relieved as appellate counsel for petitioner, and PCR trial counsel Joshua Bailey was appointed to represent petitioner in this appeal. Counsel Bailey moved to withdraw as counsel on March 17, 2020, and the Office Appellate Defense was requested to file a return to this motion in a letter dated April 22, 2020.

3) The Office of Appellate Defense has screened Petitioner Halcomb for indigency and determined that petitioner is indigent. The Office of Appellate Defense therefore does not object to Counsel Bailey's motion to withdraw, and it agrees to be substituted as counsel for Petitioner Halcomb.

WHEREFORE, the Office of Appellate Defense has no objection to the motion of Joshua A. Bailey to withdraw as counsel to petitioner, Fred R. Halcomb, Jr., and it agrees to be substituted as counsel for Petitioner Halcomb.

Respectfully submitted,

s/ Robert M. Dudek
Robert M. Dudek
Chief Appellate Defender

April 23, 2020

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CERTIFICATE OF SERVICE

Pursuant to the Supreme Court’s Order “RE: Operation of the Appellate Courts During the Coronavirus Emergency,” dated March 20, 2020, the undersigned hereby certifies a true copy of the Return to Motion to Withdraw as Counsel in the above-referenced case has been served upon David A. Spencer, Esquire, and Joshua A. Bailey, Esquire, at the primary e-mail addresses listed in the Attorney Information System (AIS), and on Fred R. Halcomb, Jr., #Y24362, at Stateville Correctional Center, Post Office Box 112, Joliet, Illinois 60434, this 23rd day of April, 2020.

s/ Robert M. Dudek
Robert M. Dudek
Chief Appellate Defender

April 23, 2020