

# The South Carolina Court of Appeals

In the Matter of the Care and Treatment of Brian Valbert,  
Appellant.

Appellate Case No. 2020-000353

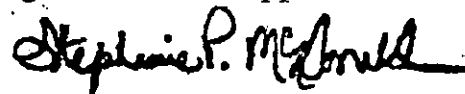
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## ORDER

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Attorney James Kristian Falk has filed a second motion to be relieved as counsel for Appellant due to a conflict of interest. Appellant consents to this request. Accordingly, the motion is granted and Mr. Falk is relieved as counsel for Appellant.

In Appellant's June 26, 2020 letter, Appellant indicated he wished for the Division of Appellate Defense to take over his representation; however, the Division of Appellate Defense does not handle appeals from annual reviews or orders for continued commitment in cases falling under the Sexually Violent Predator Act. Because Appellant is entitled to the appointment of counsel, the appeal will be held in abeyance and this case is hereby remanded to the Berkeley County Court of Common Pleas for the limited purpose of allowing the Berkeley County Clerk of Court to appoint a lawyer to represent Appellant on appeal pursuant to Rule 608, SCACR. Appellant's newly appointed counsel shall file a notice of appearance with this court within ten days of receiving notice of the appointment.



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FOR THE COURT

Columbia, South Carolina

cc:

James Kristian Falk, Esquire  
Alan McCrory Wilson, Esquire  
Deborah R.J. Shupe, Esquire  
The Honorable Leah Dupree  
Brian Valbert

**FILED**  
**Jan 15 2021**

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