

# The Supreme Court of South Carolina

Lamar R. Ray, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2020-001616

**RECEIVED**  
MAR 01 2021  
S.C. SUPREME COURT

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## ORDER

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Counsel for petitioner moves to hold the time to order the transcript in abeyance to permit petitioner to correct a defect in his affidavit of indigency so that the Division of Appellate Defense can determine whether petitioner is indigent. Counsel also "inquire[s] if the Court could appoint Appellate defense to represent [petitioner]."

Within fifteen days (15) days of the date of this order, petitioner shall personally take one of the following actions:

- (1) mail a revised affidavit of indigency to the Division of Appellate Defense.<sup>1</sup> An affidavit is enclosed as an attachment to this order;
- (2) inform this Court of the identify of counsel who he has retained to represent him in this appellate case; or,
- (3) inform this Court that he wishes to proceed *pro se* in this appellate case—that is he desires to represent himself without the assistance of counsel.

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<sup>1</sup> The mailing address for the Division of Appellate Defense is PO Box 11433 Columbia, SC 29211-1433.

If petitioner fails to timely take one of the actions specified above, this Court may find that petitioner has waived his right to be represented by counsel in this appellate case and petitioner will proceed *pro se*.

Petitioner is cautioned that there are many dangers and disadvantages to proceeding *pro se* in this case. If petitioner proceeds *pro se* in this case, this Court will require full compliance with all applicable rules and procedures, and failure to comply with such rules and procedures could result in the dismissal of the matter and forfeiture of the right to discretionary review. Further, since petitioner is untrained in the law, having an attorney represent him in this case would be highly beneficial, and this Court strongly encourages petitioner to either retain counsel or seek to have counsel from the Division of Appellate Defense appointed if petitioner is indigent.

The time limits for perfecting this case are held in abeyance pending further order or direction of this Court. The request to appoint the Division of Appellate Defense to represent petitioner is denied as being premature.

  
\_\_\_\_\_  
FOR THE COURT C.J.

Columbia, South Carolina  
February 17, 2021

Enclosure (affidavit of Indigency)

cc: Tommy Arthur Thomas, Esquire  
Lillian Loch Meadows, Esquire  
Mr. Lamar R. Ray

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF \_\_\_\_\_ )

AFFIDAVIT OF INDIGENCY

Case Name \_\_\_\_\_

Criminal Case No. \_\_\_\_\_

Current Address: \_\_\_\_\_

Are you incarcerated? \_\_\_\_\_ Yes (If "Yes") Where? \_\_\_\_\_  
\_\_\_\_\_ No

What were you convicted of? \_\_\_\_\_

What was your sentence? \_\_\_\_\_

Are you appealing from  
\_\_\_\_\_ a trial, \_\_\_\_\_ a guilty plea \_\_\_\_\_ a post-conviction relief hearing?

In what county was this trial/hearing/guilty plea held? \_\_\_\_\_

Presiding Judge's name? \_\_\_\_\_

Date of trial/guilty plea or post-conviction relief hearing \_\_\_\_\_

Were you represented by  
\_\_\_\_\_ a court-appointed attorney \_\_\_\_\_ public defender or \_\_\_\_\_ retained counsel?

Name of attorney/public defender? \_\_\_\_\_

If retained, how much did you pay for attorney fees? \$ \_\_\_\_\_

If you still owe money to your attorney, how much? \$ \_\_\_\_\_

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1. Are you presently employed? Yes \_\_\_\_\_ No \_\_\_\_\_

a. If "yes," state the amount of your salary or wages per month, and give the name and address of your employer. \_\_\_\_\_

b. If "no," state the name and address of last employment, date of termination of employment, and amount of your salary or wages per month. \_\_\_\_\_

2. List by name, age and relationship to you, any persons who are dependent upon you for support. Indicate beside each how much you contribute toward their support. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

3. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or form of self-employment?

Yes \_\_\_\_\_ No \_\_\_\_\_

b. Rent payments, interest or dividends?

Yes \_\_\_\_\_ No \_\_\_\_\_

c. Pensions, annuities or life insurance payments?

Yes \_\_\_\_\_ No \_\_\_\_\_

d. Gifts or inheritance?

Yes \_\_\_\_\_ No \_\_\_\_\_

e. Any other sources?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months. \_\_\_\_\_

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4. Do you own cash, or do you have any money in a checking or savings account?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer is "yes," state the total amount of the cash owned. \$ \_\_\_\_\_

5. Do you own any real estate, stocks, bonds, notes or other valuable property (excluding ordinary household furnishings and clothing)? Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer is "yes," describe the property and state the appropriate value of the items owned. \_\_\_\_\_

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6. What kind of motor vehicle do you own? \_\_\_\_\_

Is it paid for? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, what are the monthly payments? \$ \_\_\_\_\_

7. How much do you owe (on liens, mortgages, other encumbrances or debts)? \_\_\_\_\_

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I do solemnly swear that the account by me delivered into this Court does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I, or any person in trust for me, have or at the time of my possession had, or am, or was, in respect, entitled to, in possession, remainder or reversion and that I have not at any time since charges were made against me or before, directly or time since charges were made against me or before, directly or indirectly sold, leased, assigned or otherwise disposed of or made over, in trust for myself or otherwise, other than is mentioned herein.

I understand that the State shall file a claim against me in an amount equal to the cost for representation, but that such claim shall not constitute a lien against my property, unless, the claim is reduced to judgment by the Order of the Court after giving me at least thirty days' notice.

Under penalty of perjury, I certify that the information give by me on this affidavit is true and correct, and I understand that I will be subject to civil and/or criminal penalties if I knowingly furnish false information.

I am financially unable to employ counsel.

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Defendant

I understand that I am entitled to at least thirty days' notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Defendant

SUBSCRIBED AND SWORN to before  
me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC FOR SOUTH CAROLINA

My commission Expires: \_\_\_\_\_

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE, CLERK OF COURT

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FAIRFAX SC 29827

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