

STATE OF SOUTH CAROLINA)
 COUNTY OF BERKELEY)
 State of sc,)
 Plaintiff(s),)
 -vs-)
 Brian Valbert,)
 Defendant(s).)

IN THE COURT OF COMMON PLEAS
 9th JUDICIAL CIRCUIT
 CASE NO.: 2007CP0803079
 APPOINTMENT OF COUNSEL OR GAL
 (Select one.)

ORDER
 AMENDED ORDER

TYPE OF CASE/PROCEEDING: (Check one.)

- | | | |
|---|---|--|
| <input type="checkbox"/> Post-Conviction Relief (PCR)/habeas case | <input type="checkbox"/> Adoption | <input type="checkbox"/> Juvenile |
| <input checked="" type="checkbox"/> SVP case | <input type="checkbox"/> Custody and/or Visitation | <input type="checkbox"/> Abuse and Neglect |
| <input type="checkbox"/> Minor Name Change | <input type="checkbox"/> Other: Sexual Predator 510 | |

It appears **Brian Valbert**, who is a litigant in this case, is entitled to court-appointed counsel or a guardian ad litem.

It further appears that: (Select only one.)

- counsel/guardian ad litem has not yet been appointed by the court; therefore, an appointment for counsel/guardian ad litem is necessary.
- counsel or a guardian ad litem was previously appointed by the court but has indicated either a possible conflict of interest, an entitlement to exemption, or other good cause warranting the appointment of new counsel or guardian ad litem based on:
 - counsel was previously appointed by the court but has not indicated that the litigant has retained private counsel and is no longer entitled to appointed counsel.
 - court appointed counsel has obtained , Esquire as substitute counsel pursuant to Rule 608(h)(2); provided, however, only the member who originally received the appointment and who sought substitute counsel shall receive credit.
 - Other: .

Therefore, it is ordered that **Michael S. Gambrell** hereby is appointed as (Select one.)

counsel lead counsel (if capital PCR case) guardian ad litem
 for the above-named person. Any counsel or GAL previously appointed is/are hereby relieved.

(If Death Penalty PCR Case) It is further ordered that , Esquire, is hereby appointed as second counsel in this capital PCR case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice.

IT IS SO ORDERED
 January 21, 2021

Leah Gurry-Dupree
 Circuit Judge Clerk of Court

Plaintiff Attorney:

Christopher Runyan	
PO Box 11549	
Columbia, SC 29211-1549	

Defendant Attorney:

Michael S. Gambrell	
104 South Calhoun Street	
Greenville, SC 29601	

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online with OID within fifteen (15) days of this appointment at www.sccid.sc.gov, and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCCID website for further details.

*Call
 M G DT
 w/ BV*

VB

The South Carolina Court of Appeals

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

Appellate Case No. 2020-000353

FILED

JAN 15 2021

VB

CASE NO.
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

ORDER

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.

Stephen P. McDonald

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

Michael S. Gambrell, LLC
Attorney + Counselor at Law
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FILED
Jan 15 2021

VB

50 07-09-08-0000

FILED

JAN 1 2 2021

CASE NO
LEAH GIBNEY DURFE
CLERK OF COURT
DEKALB COUNTY SC

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