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May 24 2021

S.C. SUPREME COURT

**THE STATE OF SOUTH CAROLINA
In the Supreme Court**

**ON CERTIORARI TO THE SOUTH CAROLINA COURT OF APPEALS
Appeal from Spartanburg County
Circuit Court**

**J. Mark Hayes, II
Circuit Court Judge**

Supreme Court Case No.: 2020-001184

State of South CarolinaPetitioner,

v.

Kenneth Taylor Respondent.

MOTION TO APPOINT GUARDIAN *AD LITEM*

The undersigned, pursuant to Rules 240 & 265, SCACR, moves to be appointed as the guardian *ad litem* for the Respondent Kenneth Taylor. The undersigned would show the following in support of his motion:

1. This is an appeal of the Spartanburg County Magistrate’s Court’s May 25, 2016 dismissal of Mr. Taylor’s June 11, 2015, DUI 1st charge. The Circuit Court heard this appeal on September 12, 2016, and affirmed this dismissal by order dated October 20, 2016. (R 1-6).
2. Mr. Taylor’s attorney lost contact with him after the September hearing, and did not represent him on further appeals. (Aff. of Ellis¹). On October 28, 2016, the State served its notice of appeal

¹ A copy of this affidavit is attached to this motion. The original affidavit will follow.

to the South Carolina Court of Appeals. Mr. Taylor was unrepresented before the Court of Appeals, which on July 15, 2020, affirmed the Circuit Court in a *per curiam* opinion (2020-UP-215).

3. On February 18, 2021, the State petitioned this Court for a writ of certiorari; Mr. Taylor remained unrepresented. This Court granted the State's petition on January 25, 2021.

4. Mr. Taylor's former counsel at the Magistrate and Circuit Court level has been unable to make contact with Mr. Taylor since approximately 2016. (Aff. of Ellis). Mr. Taylor has not resided at the address used by the Court of Appeals and this Court since approximately 2016 or 2017. (Aff. of Ellis; Aff. of Luck). Mr. Taylor's former counsel is informed and believes that Mr. Taylor now resides out of the state of South Carolina. (Aff. of Ellis).

5. Despite diligent efforts by the Mr. Taylor's former counsel and the undersigned, Mr. Taylor cannot be found. (Aff. of Ellis; Aff. of Luck).

6. Mr. Taylor is without counsel or notice of the proceedings before this Court or the Court of Appeals. This appeal concerns a criminal charge and Mr. Taylor must be given due process if the State seeks to impinge upon his liberties.

7. The undersigned has conferred with counsel for the State on this motion, and the State does not consent. Mr. Taylor's former counsel consents to this relief. (Aff. of Ellis).

Wherefore, the undersigned requests this Court appoint him as guardian *ad litem* and grant such other and further relief as it deems just and proper.

Dated: 05/24/2021

/s/ Jason Scott Luck

Jason Scott Luck

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Proposed Guardian *ad litem* for Respondent