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Jul 27 2021

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of General Sessions

The Honorable Thomas A. Russo, Circuit Court Judge

Case No. 2020-000049

State of South Carolina,

Respondent,

v.

Royal D. Williams, III,

Appellant.

**NOTICE OF APPEARANCE AND MOTION TO SUBSTITUTE COUNSEL
AND MOTION TO REFILE INITIAL BRIEF**

Undersigned counsel has been retained by Mr. Williams and his family to represent him in his direct appeal before this Court. Former counsel filed an initial brief in this case on January 20, 2021 after being substituted as counsel on December 15, 2020.¹ Respondent has not filed its brief yet. Respectfully, appellant's brief does not comply with SCACR, Rule 208(b)(A) ("A table of contents, with page references, and a table of cases (alphabetically arranged), statutes, and other authorities cited,

¹ Appellant's brief was due January 8, 2021, but counsel filed a motion to file out of time on February 3, 2021.

with references to the pages of the brief where they are cited”). The brief also fails to contain any references to the record. SCACR, Rule 208(b)(4). Without references to the transcript, it is impossible for this Court to assess whether the issues raised in this case were properly preserved. Counsel is concerned that appellant’s issues may be deemed abandoned on the record currently before the Court. *Fields v. Melrose Ltd. Partnership*, 312 S.C. 102, 439 S.E.2d 283 (Ct. App. 1993) (an issue may be deemed abandoned on appeal and therefore, not presented for review, if it is argued in a short, conclusory statement without supporting authority). Appellant has the right to the effective assistance of counsel during his direct appeal. *Evitts v. Lucey*, 469 U.S. 387 (1985); *Southerland v. State*, 337 S.C. 610, 524 S.E.2d 833 (1999). Counsel will order a copy of the transcript on this date and will inform the Court by letter when she receives it.

If the Court grants counsel’s request to refile appellant’s initial brief, counsel confirms that she will prioritize this case to have it filed as expeditiously as possible.

Respectfully submitted,

/s/ Elizabeth Franklin-Best
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CERTIFICATE OF SERVICE

Counsel hereby certifies that she has served a copy of this motion on William Blicht of the South Carolina Attorney General's Office on this date, July 27, 2021 at wblitch@scag.gov.

/s/ Elizabeth Franklin-Best