



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1345

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Aug 12 2021

SC Court of Appeals

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

August 12, 2021

The Honorable Jenny Abbott Kitchings
S.C. Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: James A. Giles v. State
Appellate Case No. 2020-000333

Dear Ms. Kitchings:

Counsel respectfully requests that Wanda H. Carter, Esquire be removed as counsel of record in the above-referenced case, James A. Giles v. State, Appellate Case No. 2020-000333.

Ms. Carter represented Mr. Giles in a previous PCR case, James Giles v. State, 2018-000880, before the Supreme Court. Ms. Carter was relieved as counsel based on a conflict of interest in that case by order of Chief Justice Beatty dated November 20, 2018. Subsequently, the Supreme Court appointed James Falk, Esquire, as counsel of record to represent petitioner in 2018-000880. See James Giles v. State, S.C. Sup. Ct. Order dated December 14, 2018.

Ms. Carter was not appointed as counsel of record and has not filed a notice of appearance in this case, Appellate Case No. 2020-000333. It appears that Ms. Carter may have been mistakenly associated with this case due to her limited involvement in the previous PCR Appeal filed with the Supreme Court.

On May 30, 2019, a dispositional decision signed by Chief Justice Beatty was filed and the case was dismissed without prejudice in 2018-000880. This order further instructed the Union County Circuit Court to rule on a Rule 59(e) motion filed by petitioner.

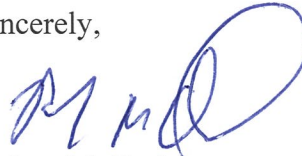
On June 17, 2019, a remittitur was filed, consequently, appellate jurisdiction ended in Appellate Case No. 2018-000880.

Due to the above circumstances, counsel respectfully requests that Wanda H. Carter, Esquire be removed as counsel of record in this case, 2020-000333. James Falk presently represents Mr. Giles in 2020-000333, and undersigned counsel, for the reasons above, respectfully requests that Ms. Carter's name be removed as also being a counsel of record.

The Honorable Jenny Abbott Kitchings
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Thank you for your time and attention to this matter. If you have any questions, please contact me.

Sincerely,



Robert M. Dudek
Chief Appellate Defender

RMD/lmm

cc: The Honorable Patricia A. Howard
Wanda H. Carter, Esquire
James Kristian Falk, Esquire
Michael Jacob Neubauer, Esquire