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Jan 24 2022

SC Court of Appeals

**MOTION TO BE RELIEVED AS
COUNSEL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

Case No. 22021-001527

Tina Patton,

Appellant,

v.

Linda Doty,

Respondent.

**MOTION TO BE RELIEVED AS
COUNSEL**

Attorney Thornwell Simons, on behalf of the Richland County Public Defender's Office, files this Motion to be Relieved as Counsel in the above-captioned matter.

The Richland County Public Defender's office was appointed to represent Ms. Patton on the matter below in the Richland County Magistrate Court on January 7, 2020, and Mr. Simons was subsequently assigned to the case. The Richland County Public Defender's Office normally only provides representation to assigned clients on matters within the confines of the Richland County court system.¹ Mr. Simons' also therefore represented Ms. Patton on appeal to the Richland County Circuit Court.

Mr. Simons also assisted Ms. Patton with the initial filing of the Notice of Appeal to this Court and other initial matters due to Ms. Patton's indigence and the time constraints of the initial filings. However, the Richland County Public Defender's Office does not normally handle appellate matters which have risen beyond the level of the Richland County Courts.

¹ The Office of the Richland County Public Defender does provide representation, under contract with the City of Columbia and the City of Forest Acres, in some municipal courts located within the confines of Richland County. However, those contracts are not relevant here.

Because this case has now risen beyond the Richland County court system, the Office of the Richland County Public Defender must request to be relieved as counsel in this matter.


This withdrawal, unfortunately, will leave Ms. Patton without current representation, at least temporarily. While appeals from criminal trials in Richland County Circuit Courts are normally handled by the Appellate Division of the Office of Indigent Defense, that office does not provide representation in further appeals of magistrate level convictions, under the argument that the magistrate defendant's right to appeal has been adequately protected by the provision of representation by local county public defender's offices in appeal to the Circuit Court (as was provided to Ms. Patton by Mr. Simons).

Mr. Simons has explained this to Ms. Patton and she understands that the Richland County Public Defender's Office cannot represent her further in this matter. A copy of this motion and all other contemporaneous filings will be provided to Ms. Patton at her address of record, 301 Wynette Way, Columbia, SC 29229, as will referrals to potential alternate sources of representation.

Mr. Simons therefore requests:

- I. That the Office of the Richland County Public Defender be relieved as counsel in the above-captioned matter, and
- II. That the above-captioned matter be continued and held in abeyance for a period of at least ninety days, in order to allow Ms. Patton time to seek alternate pro bono counsel.

January 24, 2022


s/ Thornwell Simons
S.C. Bar # 73719
Richland County Public
Defender's Office
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Attorney for Appellant

Other Counsel of Record:

Mr. Charnell Glen Peake,
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Columbia, SC 29223
Attorney for Respondent

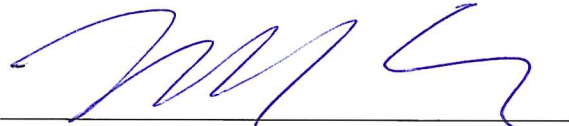
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CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing document to be served upon opposing counsel via electronic mail in the above captioned case, on this date, January 24, 2022.



Thornwell Simons (SC Bar No. 0073719)
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