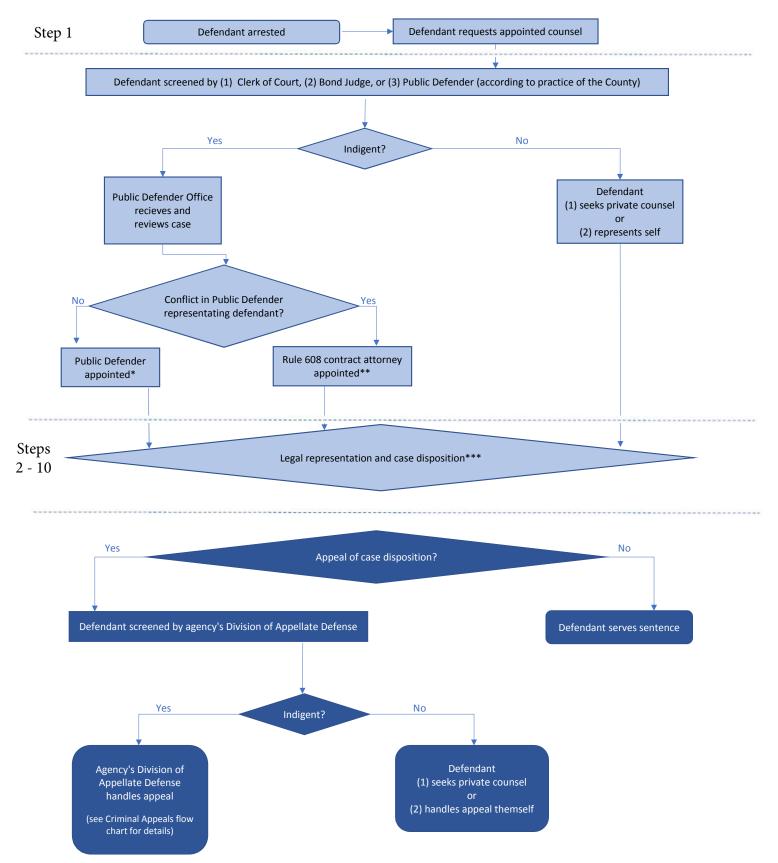
Adult Criminal Case, including death penalty - Circuit or Magistrate Court

Indigent defendants right to counsel in criminal cases is granted in the U.S. Constitution.



^{*}If the case involves the Death Penalty, the Capital Litigation Unit can get involved as second counsel to assist the appointed attorney. §16-3-26

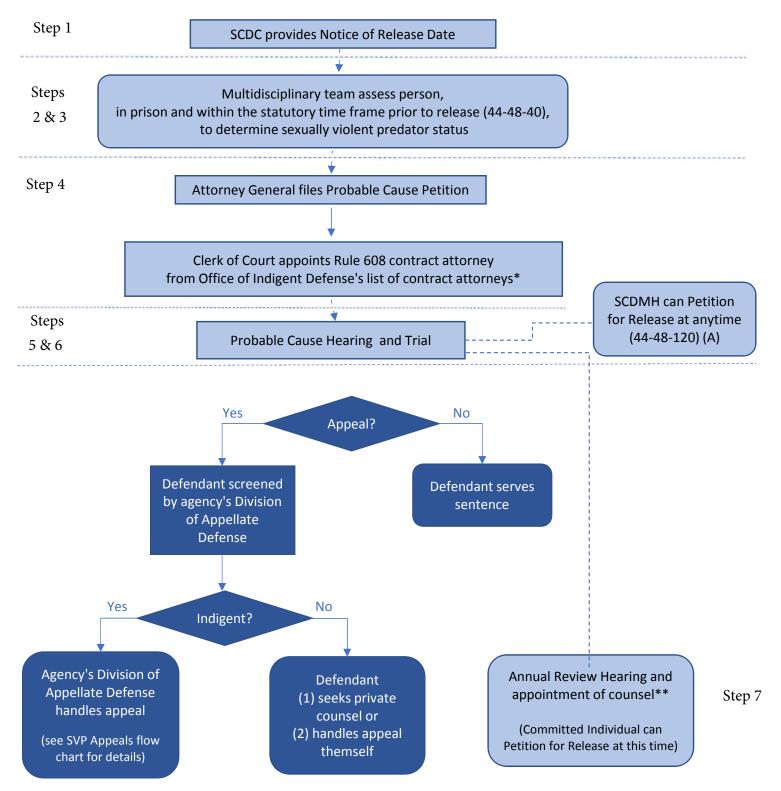
^{**}If the Public Defender office is conflicted, the Capital Litigation Unit will be appointed and the court will appoint a Death Penalty Certified attorney to be second chair. §16-3-26

^{***}Case disposition includes: (1) plea or nol proseed (not prosecuting) of some or all charges (i.e., warrants) before trial; (2) plea or nol proseed (not prosecuting) some or all charge (warrants) during trial; (3) judge or jury decision at end of trial.

Sexually Violent Predator (SVP) Case - Circuti Court

Indigent defendant's right to counsel in SVP cases is granted in state statute, not the U.S. Constitution.

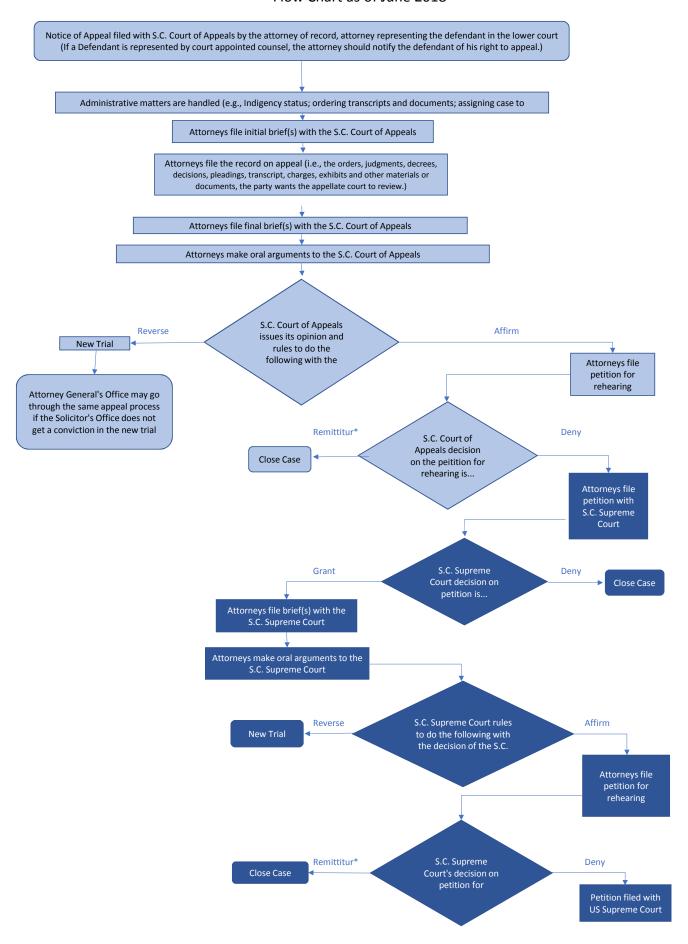




^{*§ 44-48-90(}B) provides that anyone subject to a SVP case is entitled to the assistance of counsel and if the person is indigent, the court must appoint counsel to assist the person. Because most people are in prison and indigent, appointment of counsel will be automatic upon service of the petition.

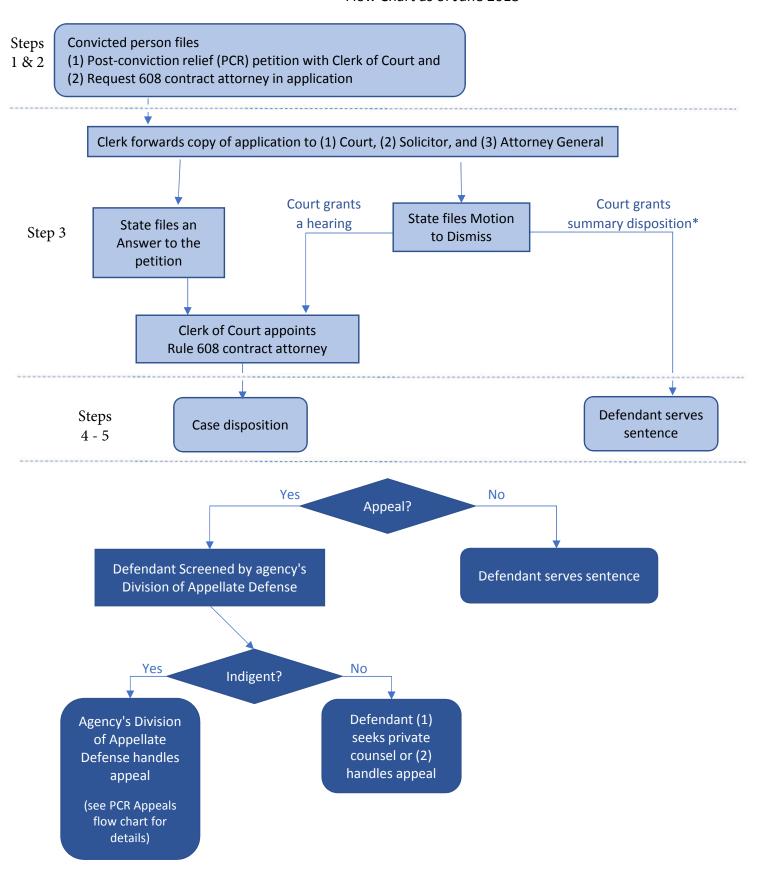
^{**}After the probable cause hearing, the clock starts and every year there is a review of the probable cause hearing to determine if probable cause still exists. This annual review may occur prior to conclusion of an appeal.

Appeals of Adult Criminal Cases and Civil Sexually Violent Predator (SVP) Case



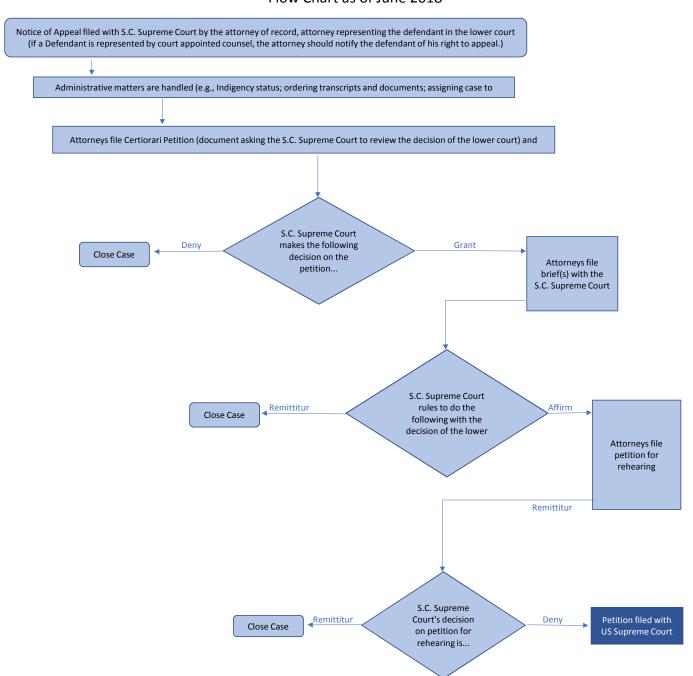
Post-Conviction Relief (PCR) Case - Circuit, Magistrate, or Municipal Court

Indigent defendants right to counsel in PCR cases is granted in state statute, not the U.S. Constitution.

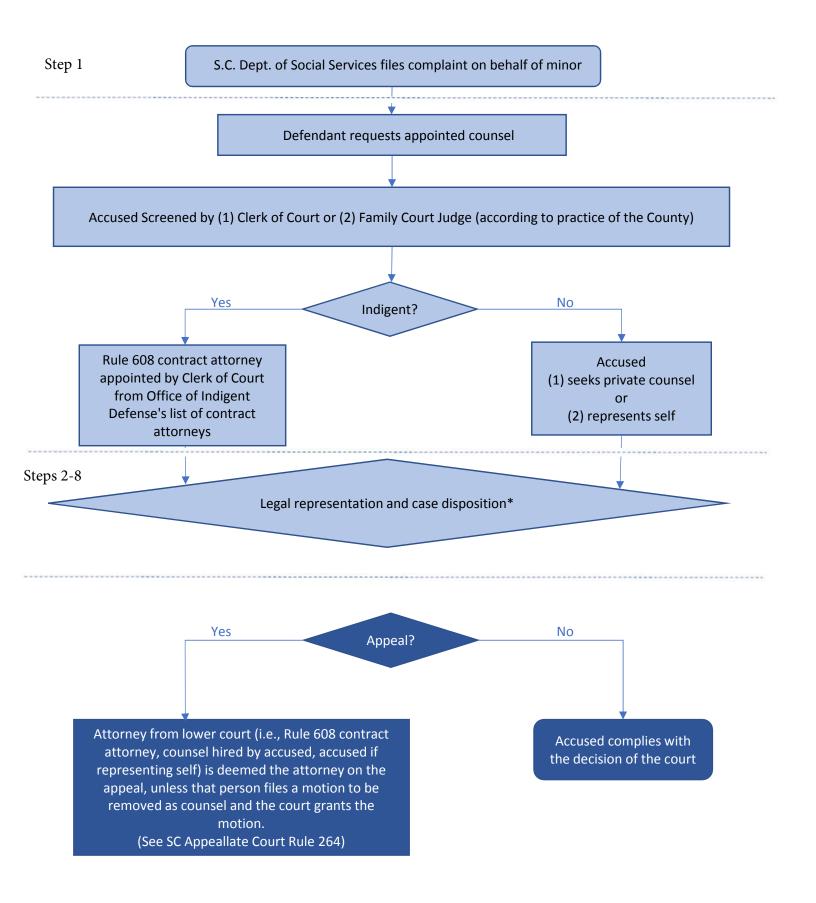


^{*}Summary disposition is the court dismissing the petition for post-conviction relief.

Appeals of Post-Conviction Relief (PCR) Case



Department of Social Services Abuse/Neglect Case - Family Court



^{*}Case disposition include the Court making either a finding of abuse/neglect or no finding of abuse and neglect.

Selection and Payment of Rule 608 Contract Attorneys

Flow Chart as of June 2018

Private practice attorney submits application to the Office of Indigient Defense (OID) to participatie in the Rule 608 contract program

(March 1 - 31)

Contracts, for one fiscal year, are awarded to the private practice attorneys (contracts are drafted by OID and approved by the Commission) (May)

Contracts begin at start of state fiscal year (July 1)

Within 15 days of assignment to the case, the contract attorney registers the case and sumbits a voucher for payment to OID through OID's website

Upon closure of case, the contract attorney submits his timesheet to OID through OID's website



















Applications reviewed and screened by committee comprised on one OID staff member, members of the Commission on Indigent Defense (Commission), and representatives from the S.C. Bar (April)

New orientation and/or training for attorneys conducted by OID (June)

private practice

Clerk of Court <u>OR</u> Circuit Public Defender assigns cases to private attorney on OID's list of contract attorneys approved for the year*

Flat fee is paid electronically to contract attorney through OID website (within 30 days of OID approving the voucher for payment submitted by the contract attorney)

*NOTE: Clerk of Court assigns cases in post-conviction relief (PCR), sexually violent predator (SVP), and Family Court Cases if person is indigent. The Circuit Defender assigns cases in criminal matters if (1) the defendant was determined to be indigent, and (2) a Public Defender is appointed AND a conflict of interest exists that prevents the Public Defender from representing the defendant.