

**DIVISION OF APPELLATE DEFENSE  
YEAR-END CASELOAD DATA  
REPORT  
FY 2017-2018**

**Robert M. Dudek  
Chief Appellate Defender**

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## **YEAR END SUMMARY – FY 2017-2018**

The Division of Appellate Defense, of the Office of Indigent Defense, provides excellent quality representation for clients in direct appeals and post-conviction relief appeals statewide. The division began the fiscal year with one thousand and fourteen (1014) cases and opened six hundred and twenty one (621) cases during Fiscal Year 2017-18. The division closed five hundred and nine (509) cases during the same period. The Appellate Division is currently handling one thousand one hundred and twenty six (1126) cases.

Chief Appellate Defender Robert Dudek gave the case law update presentation, and participated in a “Preserving the Record for Appeal” demonstration, at the annual Public Defender Conference on September 26, 2017, in Myrtle Beach, South Carolina. On September 29, 2017, Dudek was a trainer at the post-conviction relief seminar for the Rule 608 contract attorneys, which was held in Columbia, South Carolina.

On November 21, 2017, Dudek presented at the Public Defender 101 seminar on properly preserving objections and motions for appellate review, and on post-conviction relief in Columbia, South Carolina. On November 30, 2017, Dudek gave a presentation on “Winning Issues on Appeal” for the Indigent Defense-Bar Association Appellate Project seminar held for the pro bono attorneys at the Bar Building in Columbia, South Carolina. He also served as a group leader for one of the break-out sessions on issue spotting for appeal at that seminar.

On December 14, 2017, Dudek did a videotaped presentation on the case law update for the South Carolina Bar Association, which uses the presentation for its online CLE courses. Dudek also presented at the Criminal Practice CLE held February 23, 2018, at the South Carolina Bar Building.

In addition, Dudek did a presentation on case law and trial objections at the Magistrate Court training held on March 9, 2018 in Columbia, South Carolina. Further, on March 16, 2018, he presented on error preservation for the Charleston and Berkeley County public defenders, and Rule 608 attorneys in Charleston, South Carolina. Dudek also gave a case law presentation at the Investigators’ Conference, on March 30, 2018, in Myrtle Beach, South Carolina.

Dudek did a presentation on error preservation for the Anderson and Oconee County public defenders on April 26, 2018, in Anderson, South Carolina. He was also a trainer and judge on the motions arguments portion of Public Defender 103, which was held in Greenville, South Carolina, April 30 – May 2, 2018.

Chief Deputy Wanda Carter was a speaker at the Public Defender 101 CLE seminar on November 20, 2017, in Columbia and at the Appellate Practice Project on November 30, 2017.

Appellate Defender Kathrine Hudgins assisted with teaching Criminal Trial Advocacy at USC School of Law in the fall of 2017. She also served on the 5K Race Committee for See Spot Run benefitting the Humane Society in the spring of 2018. She continues to serve as an articles editor for the South Carolina Lawyer Magazine.

Appellate Defender LaNelle DuRant volunteered at a fund raiser for SisterCare on October 12, 2017. She did a presentation to the Board of Directors for SisterCare on February 27, 2018, and to the Palmetto Paralegal Association on April 18, 2018, for SisterCare. She is a member of the Wellness Committee of the S.C. Bar.

Appellate Defender David Alexander taught at the Post-Conviction Relief CLE on September 29, 2017, and the Appellate Practice Project CLE on November 30, 2017.

Appellate Defender Susan Hackett was a speaker at the BBQ, Blues & Bar Seminar sponsored by SCACDL in Greenwood, on July 7, 2017, on the topic of Considering Current Cases. She was a speaker at the Summary Court Judge's Orientation presented by Court Administration on the topic of the Defendant's Constitutional Rights, on July 27, 2017. She, was a co-presenter at the 2017 Annual Public Defender Conference in Myrtle Beach, South Carolina, on September 26, 2017. The topic was Defending Juvenile LWOP cases.

On September 29, 2017, Hackett spoke at the Post-Conviction Relief Representation: Don't Mangle Your Case sponsored by SCCID. The topic was Get it in the Order: Proposed Orders and Rule 59(e) Motions & Who's Steering and Other Ethical Issues in PCR cases. On October 4, 2017, she spoke at the Annual Fall CLE Seminar sponsored by the Lexington County Bar Association. The topic was Error Preservation and Making the Record. On November 20,



2017, Ms. Hackett spoke at the Public Defense 101 sponsored by SCCID in Columbia. She discussed topic the Fifth Amendment Right to Silence. On November 30, 2017, she spoke at the Appellate Practice Project: Presenting Cases to the Appellate Courts. On June 21, 2018, she spoke at the Rule 608 Contract Attorney Orientation and Training sponsored by SCCID in Columbia regarding Ethical Considerations for Contract Lawyers. Hackett is a member of South Carolina Bar Professional Responsibility Committee, and she served on a subcommittee to review Model Rule 3.8(g-h) of the Rules of Professional Conduct. She is a member of the South Carolina Bar Fee Disputes Resolution Board, the South Carolina Bar Law Related Education Committee for which she served on the awards subcommittee, as scoring judge on November 4, 2017, in Conway, SC for Regional Middle School Mock Trial, and as presiding judge on February 24, 2018, in Columbia for Regional Highs School Mock Trial.

Appellate Defender Lara Caudy was a group leader during the breakout sessions at the Presenting Cases to the Appellate Courts CLE held on November 30, 2017.

Appellate Defender Laura Baer was a joint speaker during the breakout sessions on “Defending Juvenile LWOP Cases” at the South Carolina Public Defender Conference on September 26, 2017, in Myrtle Beach. On December 15, 2017, Ms. Baer attended a multi-disciplinary meeting in Columbia to discuss litigation in juvenile LWOP resentencing cases, where she reported on relevant pending appellate issues. She was a scoring judge for the State Middle School Mock Trial regional competition on November 4, 2017, in Lexington, and a scoring and presiding judge for the American Mock Trial Association regional tournament on February 10 and 11, 2018, at the University of South Carolina School of Law in Columbia. Ms. Baer attends Awaken Church, through which she volunteers at various community events.

Appellate Defender Taylor Gilliam was named a “Star of the Quarter” by the South Carolina Bar Young Lawyers Division for a second time in March 2018. He serves on the U.S.C. School of Law Pro Bono Advisory Council with Appellate Defender Susan Hackett and other attorneys in the Midlands. He is also a member of the South Carolina Bar Pro Bono Advisory Committee with South Carolina Supreme Court Justice John Few. He is member of the South Carolina Bar Technology Committee and co-chair of the South Carolina Bar Young Lawyers Division Technology Committee. Gilliam is a member of the South Carolina Bar Young Lawyers Division Disaster Relief Committee. He serves on the Board for the Mount

Hebron United Methodist Day School in West Columbia. Gilliam is also on the Board of Directors for the Brookland-Cayce High School Foundation. In that capacity, he chairs the Student Scholarships and Teacher Grants Committee. Additionally, he is a Board Member on his neighborhood Homeowners' Association, where he chairs the Common Area and Covenants Committees. He is in the middle of his fifth consecutive year as the Lexington Citadel Club President, an organization that raised over \$8,000 for a scholarship at its annual oyster roast on February 24, 2018. Gilliam helped judge a mock trial competition at the University of South Carolina School of Law on February 11, 2018. He spoke at a career fair on behalf of the Commission of Indigent Defense, Appellate Division at the University of South Carolina School of Law on March 1, 2018. Gilliam also spoke at the Lake Murray Elementary School career fair in 2017. He volunteered at a mock mediation as part of the Civil Litigation Capstone course offered at the University of South Carolina School of Law on April 10, 2018, where he played the part of the plaintiff in a three-car automobile accident.

Gilliam is a member of the Richland County Public Service Committee which organizes the homeless legal clinic (Homeless Experience Legal Protection- HELP) at Transitions in Columbia. He moderated a CLE hosted by this group on April 26, 2018. The title was "Practical Knowledge for Any Attorney" and it covered the topics of expungements, family law, social security and social security disability benefits, veterans' benefits, and Columbia's Homeless Court. Gilliam attended, donated, and volunteered at the Annual Bowling Buddies event benefitting the Special Olympics on May 1, 2018, hosted by the South Carolina Bar Young Lawyers Division. He also participated in a Q&A at St. Lawrence Place in Columbia during Community Law Week on May 2, 2018. He read to students at Jackson Creek Elementary School on May 3, 2018. He also attended a Technology CLE offered by the South Carolina Bar Young Lawyers Division on May 3, 2018. Gilliam volunteered to help paint and perform yardwork at SisterCare on May 19, 2018 as part of the South Carolina Bar Young Lawyers Division Voices Against Violence Committee.

In June 2018, he was nominated as an Emerging Leader by the South Carolina Bar Young Lawyers Division and attended the American Bar Association Annual Meeting as a Young Lawyers Division Delegate in August 2018 in Chicago, Illinois. Gilliam also participated in part of the Appellate Practice Project CLE on November 30, 2017. Gilliam spoke



about technology on June 19, 2018 at one of the mentoring lunches hosted by Judge J. Michelle Childs at the United States District Court.

The Division welcomed two new appellate defenders this year, Joanna Delany and Victor Seeger.

Appellate Defender Joanna Delany is a 2007 graduate of the University of South Carolina School of Law. She was a cum laude graduate of Augusta University in 2002. She was a resource attorney with the Children's Law Center before becoming an Appellate Defender. She taught a four hour CLE at South Carolina Commission on Indigent Defense, Children's Law Center joint training on juvenile criminal defense in April, 2018. She also is a member of the SC Bar Children's Law Committee.

Victor Seeger graduated cum laude from the University of South Carolina Law School, in 2014. He also graduated cum laude undergraduate from the University of South Carolina, majoring in Political Science. Seeger was in private practice in Bluffton, South Carolina prior to becoming an Appellate Defender.

The Division also welcomed two new staff members, Adriane Burke and Tyler Cheney.

Adriane Burk replaced Rhonda Foxworth as the Legal Services Coordinator in November 2017. She moved from Pennsylvania to South Carolina in July of 2017. Adriane graduated from Westmoreland County Community College with a Degree of Associate in Applied Science in Legal Assisting in 1993. She worked at Flickinger Barr in Ligonier, Pennsylvania for 13 years assisting in the areas of Real Estate and Estates and Trusts.

Tyler Cheney replaced Scott Leverett who became our newest assistant. Tyler moved from Michigan to South Carolina seven years ago. He graduated with a Bachelors in Media Arts from the University of South Carolina.

Rhonda Foxworth is now the document coordinator responsible for requesting and obtaining documents and exhibits needed for the appeals from all forty-six Offices of the Clerks of Court

Christine Berdeguez, an administrative specialist, also serves as the Program Coordinator/ Administrator of the Mid-State Region for the South Carolina Public Record Association. She spoke to the Association at luncheons on August 2, 2018, and April 18, 2018. She also volunteers as a Richland County (CASA) Court Appointed Specialist Advocate. In addition, she volunteers as a Guardian ad Litem for children, and as a Youth Arbitrator with the Richland County Sheriff's Department which includes an emphasis on young people avoiding illegal drugs.

Karen Rogers, our receptionist, is very active with her Church and she feeds the homeless at Finlay Park three times a month. She also volunteers at Austin Wilkes Boys home, at the Family Shelter, and at Magnolia Nursing Home.



## Year-End Case Count Summary - FY 2017-2018

●Active Cases as of June 30, 2017	<b>1014*</b>
●Cases opened from July 1, 2017 to June 30, 2018	621
●Cases closed from July 1, 2017 to June 30, 2018	509
●Cases Pending in Supreme Court (As of June 30, 2018)	

Direct

PCR

44

468

●Cases Pending in Court of Appeals (As of June 30, 2018)	
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Direct

PCR

556

58

●Total Number of Cases pending June 30, 2018	<b>1126</b>
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●Oral Arguments	
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Supreme Court

Court of Appeals

19

20

●Certiorari Granted (PCR)	● Certiorari Granted (COA)
19	20

\*Appellate Project Counsel was not counted in the FY 16-17 Year End Report.

## Active Cases by Attorney

Attorney	Direct	PCR	Total
Alexander	79	38	117
Baer	32	35	67
Brooks	01	01	01
Burk	38	38	76
Butler	00	02	02
Carter	27	60	87
Caudy	33	35	68
Delany	16	23	39
Dudek	82	24	106
DuRant	29	55	84
Gilliam	38	49	87
Hackett	69	33	102
Hudgins	61	37	98
Murdoch	32	33	65
Pachak	43	34	77
Seeger	16	29	45
*Tripp	05	00	05
<b>Grand Total</b>	<b>600</b>	<b>526</b>	<b>1126</b>

**\*Grand Total: 1126**

\*Note: Cases assigned to Burk and Murdoch are awaiting transcripts before they are assigned to an attorney.

\*Ben Tripp left the Division of Appellate Defense on March 2016 and Tiffany Butler on August 2016.

## Active Death Penalty Cases

### DIRECT

14-486 Luzenski Allen Cottrell

### PCR

12-034 Marion Alexander Lindsey

\* 16-253 Quincy Jovan Allen

\* 17-41 Stephen Christopher Stanko

\* 17-458 Stephen Christopher Stanko

**Total 5**

\* cases associated for costs



## Appellate Defense - Cases Opened

Period of 07/01/17 through 06/30/18

<b>DIRECT</b>	<b>261</b>
DNA	0
Juvenile	3
Death Penalty	2
Normal	227
Probation	21
SVP	9
WAR	0
Grand Jury	0

<b>PCR</b>	<b>360</b>
Cross Appeal	1
Death Penalty	1
DNA	0
Normal	358
WAR	0

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<b>Total Cases Opened</b>	<b>621</b>
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## Appellate Defense – Cases Filed by Attorney

Period of 07/01/17 through 06/30/18

Appeal Type		Documents Filed
DAA		
	DIRECT	33
	PCR	06
	Attorney Total	39
LRB		
	DIRECT	20
	PCR	14
	Attorney Total	34
WHC		
	DIRECT	21
	PCR	13
	Attorney Total	34
LMC		
	DIRECT	21
	PCR	16
	Attorney Total	37
JKD		
	DIRECT	06
	PCR	00
	Attorney Total	06

Appeal Type		Documents Filed
RMD		
	DIRECT	34
	PCR	05
	Attorney Total	39
LCD		
	DIRECT	05
	PCR	09
	Attorney Total	14
TDG		
	DIRECT	33
	PCR	09
	Attorney Total	42
SBH		
	DIRECT	31
	PCR	19
	Attorney Total	50
KHH		
	DIRECT	39
	PCR	10
	Attorney Total	49
RMP		
	DIRECT	20
	PCR	05
	Attorney Total	25



VRS

DIRECT	05
PCR	03
Attorney Total	08
Total Documents Filed	268

Totals are based on the filing of Initial Brief and Designation of Matter in a Direct Appeal and Petition for Writ of Certiorari in a Post Conviction Relief Appeal. Also include are cases where Appellate Defense is the respondent.

## County Report

### Abbeville

DIRECT	5
PCR	2
County Total	7

### Aiken

DIRECT	13
PCR	23
County Total	36

### Allendale

DIRECT	3
PCR	1
County Total	4

### Anderson

DIRECT	17
PCR	17
County Total	34

### Bamberg

DIRECT	5
PCR	2
County Total	7

### Barnwell

DIRECT	5
PCR	1
County Total	6

**Beaufort**

DIRECT	26
PCR	14
County Total	40

**Berkeley**

DIRECT	20
PCR	22
County Total	30

**Calhoun**

DIRECT	3
PCR	0
County Total	3

**Charleston**

DIRECT	60
PCR	49
County Total	109

**Cherokee**

DIRECT	3
PCR	11
County Total	14

**Chester**

DIRECT	11
PCR	1
County Total	12



**Chesterfield**

DIRECT	1
PCR	5
County Total	6

**Clarendon**

DIRECT	5
PCR	3
County Total	8

**Colleton**

DIRECT	3
PCR	7
County Total	10

**Darlington**

DIRECT	3
PCR	11
County Total	14

**Dillon**

DIRECT	2
PCR	3
County Total	5

**Dorchester**

DIRECT	18
PCR	6
County Total	24

**Edgefield**

DIRECT	5
PCR	2
County Total	7

**Fairfield**

DIRECT	3
PCR	2
County Total	5

**Florence**

DIRECT	14
PCR	21
County Total	35

**Georgetown**

DIRECT	8
PCR	10
County Total	18

**Greenville**

DIRECT	47
PCR	39
County Total	86

**Greenwood**

DIRECT	13
PCR	9
County Total	22

**Hampton**

DIRECT	6
PCR	2
County Total	8

**Horry**

DIRECT	32
PCR	38
County Total	70

**Jasper**

DIRECT	9
PCR	4
County Total	13

**Kershaw**

DIRECT	4
PCR	2
County Total	6

**Lancaster**

DIRECT	12
PCR	6
County Total	18

**Laurens**

DIRECT	16
PCR	6
County Total	22



**Lee**

PCR	2
County Total	2

**Lexington**

DIRECT	37
PCR	20
County Total	57

**Marion**

DIRECT	8
PCR	3
County Total	11

**Marlboro**

DIRECT	4
PCR	6
County Total	10

**McCormick**

DIRECT	1
County Total	1

**Newberry**

DIRECT	9
PCR	5
County Total	14

**Oconee**

DIRECT	9
PCR	8
County Total	17

**Orangeburg**

DIRECT	13
PCR	4
County Total	17

**Pickens**

DIRECT	26
PCR	12
County Total	38

**Richland**

DIRECT	32
PCR	14
County Total	46

**Saluda**

DIRECT	4
PCR	3
County Total	7

**Spartanburg**

DIRECT	24
PCR	61
County Total	85

**Sumter**

DIRECT	17
PCR	29
County Total	46

**Union**

DIRECT	4
PCR	5
County Total	9

**Williamsburg**

DIRECT	6
PCR	9
County Total	15

**York**

DIRECT	34
PCR	26
County Total	60

**Grand Total: 1126**