

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Kershaw County

Honorable Diane Schafer Goodstein, Circuit Court Judge

LUCRUZ MCCLOUD,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2021-001307

**MOTION TO WITHDRAW THE PETITION FOR WRIT OF CERTIORARI
AND APPENDIX AND FILE AN AMENDED PETITION FOR
WRIT OF CERTIORARI AND APPENDIX**

Counsel for Petitioner, Lucruz McCloud, respectfully requests that this Court allow counsel to withdraw the petition for writ of certiorari and appendix that were filed in this case on April 15, 2022, and allow counsel to file an amended petition for writ of certiorari and appendix. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix were filed with the Court on April 15, 2022. The amendment to application for post-conviction relief filed June 10, 2019, in Fairfield County was mistakenly included in the filed appendix, instead of the amendment to application for post-conviction relief filed May 21, 2019, in Kershaw County. In the petition, counsel referred to portions of the amended post-conviction application filed in Fairfield County.


2. On July 12, 2022, opposing counsel, Assistant Attorney General Russ Barlow brought this mistake to counsel for petitioner's attention so that the correct amended post-conviction application filed in Kershaw County could be substituted in the appendix.

3. Counsel respectfully requests that this Court allow counsel to withdraw the petition for writ of certiorari and appendix filed April 15, 2022, and allow counsel to file an amended petition for writ of certiorari and appendix, to include the correct amended post-conviction application filed in Kershaw County.

4. Opposing counsel, Assistant Attorney General Russ Barlow, has graciously consented to this motion to withdraw the petition for writ of certiorari and appendix that were filed in this case on April 15, 2022, and allow counsel to file an amended petition for writ of certiorari and appendix .

Based on the above showing, counsel for Petitioner, Lucruz McCloud, respectfully requests that this Court allow counsel to withdraw the petition for writ of certiorari and appendix that were filed in this case on April 15, 2022, and allow counsel to file an amended petition for writ of certiorari and appendix. Counsel respectfully requests that all filing deadlines be held in abeyance until this Court has had the opportunity to rule on the motion.

Respectfully submitted,


Kathrine H. Hudgins
Appellate Defender

Attorney for Petitioner.

This 12th day of July, 2022.