

ORIGINAL

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
The Honorable William P. Keesley, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

MICHAEL AVERY HUMPHREY,

APPELLANT

Appellate Case No. 2011-191566

RECEIVED

JUN 06 2013

MOTION TO RELIEVE COUNSEL

SC Court of Appeals

APPELLANT MICHAEL AVERY HUMPHREY hereby moves the Court for an order relieving his appellant counsel in the above-referenced matter.


The grounds for this Motion are as follows:

1. Appellant is represented in the above-captioned matter by Dayne C. Phillips.
2. After conversations with Attorney Dayne C. Phillips ("Phillips"), Appellant does not believe that it is in his best interest to move forward in the appeal with Attorney Phillips. For this reason, counsel desires to proceed in the appeal pro se until such time a new attorney can be retained.

3. Appellant has tendered to the Court a Petition for Rehearing and Petition for Rehearing En Banc without Attorney Phillips' assistance. Attorney Phillips' was willing to submit a Petition for Rehearing but not a Petition for Rehearing En Banc. For this reason, Appellant opted to proceed in the appeal without Attorney Phillips' assistance, and Appellant requests the court to accept his pro se filings. Appellant does not need additional time to find counsel and requests that the appeal proceed in its normal procedural course.

WHEREFORE, for the reasons outlined above, Appellant moves for an order releasing Attorney Dayne C. Phillips as his counsel of record in the above-referenced matter upon terms that are just and proper.

June 6, 2013



Michael A. Humphrey
226 Barr Street
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Appellant Pro Se

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PROOF OF SERVICE

I, Michael Avery Humphrey, certify that I have served the following documents on the individuals listed bellowed by depositing on **June 6, 2013** a copy in the United States regular mail, return address clearly visible addressed as indicated below: Documents served: (1) *Appellant's Petition for Rehearing and Petition for Rehearing En Banc*; (2) *Memorandum in Support of Appellant's Petition for Rehearing and Petition for Rehearing En Banc*; (3) *Motion to Relieve Appellant's Counsel*. Individuals Served:

Dayne C. Phillips
Appellate Defender
Post Office Box 11589
Columbia, SC 29211-1589

Christina J. Catoe
Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

Donald V. Myers
Solicitor, Eleventh Judicial Circuit
205 Main Street
Lexington, SC 29072

June 6, 2013


Michael A. Humphrey

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