

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM YORK COUNTY  
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

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Case No. 2011-CP-46-0072

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**RECEIVED**

**Mar 29 2023**

S.C. SUPREME COURT

James Dejarnette Robertson,

Applicant/Appellant,

-vs-

State of South Carolina,

Respondent.

**MOTION TO CONTINUE THE CASE PENDING APPOINTMENT OF OUTSIDE COUNSEL  
(CAPITAL CASE)**

The Appellant moves to appoint outside counsel to represent him on this appeal from the Circuit Court's final order on the merits and its denial of his motion pursuant to Rule 59(e), SCRCP. Timely notice of appeal has been filed and served. The Appellate requests that the undersigned attorneys, who are those appointed by the Circuit Court, continue to represent him on this appeal.

The Appellant alleged ineffective assistance of prior appellate counsel during their representation on the original appeal. Those allegations were litigated before the Circuit Court, adverse rulings were made, and those rulings will be challenged in this appeal. The attorneys representing the Appellant during the original appeal

were, and one still is, employed by the Appellate Division of the Office of Indigent Defense.<sup>1</sup>

When appointing outside counsel, this Court should also order that the Office of Indigent Defense provide the necessary copy and filing services normally associated with the appellate process; otherwise, private copying services will have to be retained at significant additional costs.

March 29, 2023.



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ATTORNEYS FOR THE  
APPLICANT/APPELLANT

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<sup>1</sup> This Rule 264, SCACR, motion is made necessary because without this motion Rule 71.1(g) SCRCP and Rule 602, SCACR would place the appeal with the Appellate Division of the Office of Indigent Defense which is conflicted in this case.