

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM YORK COUNTY  
Court of General Sessions

John C. Hayes, III, Circuit Court Judge

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Appellate Court Case No. 2013-000975  
Circuit Court Case No. 1998-GS-46-2847; 2849; 2850; 2851; 2852

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RECEIVED  
JUL 29 2013  
SC COURT OF APPEALS

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

ANTONIO GORDON,

APPELLANT.

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**MOTION TO BE RELIEVED AS COUNSEL**

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**JEREMY A. THOMPSON**  
Attorney and Counselor at Law

Law Office of Jeremy A. Thompson, LLC  
P.O. Box 12891  
Columbia, SC 29211  
(803) 779-2555  
(803) 779-2556 FAX

**ATTORNEY FOR APPELLANT**

NOW COMES undersigned counsel in the above-captioned action, respectfully moving this Honorable Court to relieve him as counsel for the Appellant in this appeal. In support of this motion, undersigned counsel would show unto this Honorable Court the following:

This appeal arises out of the denial of a Rule 29(b), SCRCrimP, motion. Undersigned counsel was retained to represent the Appellant in the circuit court, but undersigned counsel's fee agreement explicitly stated that the agreement did not include an appeal. Undersigned counsel, however, in accordance with his interpretation of Rule 264(a), SCACR, and his general practice, filed the notice of appeal with this Court and provided an explanation pursuant to Rule 203(d)(1)(B)(iv), SCACR. Undersigned counsel notified the Appellant in writing as well as by telephone on several occasions that he would move to be relieved as counsel if he was not retained to handle the appeal or if alternative representation was not secured.

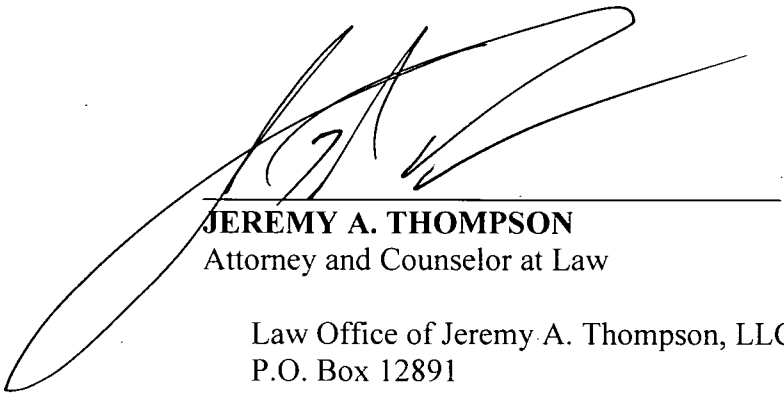
Undersigned counsel has also taken steps to protect the Appellant in the hopes that he would not have to proceed *pro se* before this Court. Undersigned counsel assisted the Appellant by providing him with an affidavit of indigency. The Appellant returned the completed affidavit of indigency to undersigned counsel, and undersigned counsel, in turn, provided the completed affidavit to Appellate Defense. After much discussion with Robert M. Dudek, Chief Appellate Defender, regarding the case, Appellate Defense declined to accept representation on the basis that they have a policy of not representing indigent defendants proceeding on appeals from the denial of Rule 29(b) motions. Undersigned counsel has also waited as long as is practicable in an attempt to avoid having to file this motion in the hopes that the Appellant will be able to retain undersigned counsel to represent him in this appeal. However, as of this writing, undersigned counsel has not been hired to represent the Appellant on appeal to this Court.

Having taken every possible step to avoid having to move to be relieved as counsel, and having no available alternative, undersigned counsel hereby respectfully requests that this Court relieve him as counsel for the Appellant in this matter. In accordance with Rule 264(b), SCACR, undersigned counsel is serving a copy of this motion on both opposing counsel and the Appellant on today's date. Undersigned counsel would also request that the time limits for ordering the transcript from the lower court be stayed during the pendency of this motion.

**CONCLUSION**

WHEREFORE, having set forth his grounds, undersigned counsel respectfully requests that this Court relieve him as counsel in this matter pursuant to Rule 264, SCACR.

Respectfully submitted,



**JEREMY A. THOMPSON**  
Attorney and Counselor at Law

Law Office of Jeremy A. Thompson, LLC  
P.O. Box 12891  
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[jeremyatlaw@yahoo.com](mailto:jeremyatlaw@yahoo.com)

**ATTORNEY FOR APPELLANT**

This 29<sup>th</sup> day of July, 2013.

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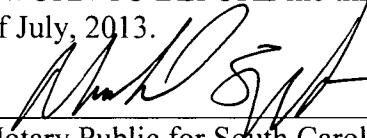
**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that one copy of the Motion to Be Relieved as Counsel in the above-entitled case has been served upon opposing counsel, Salley W. Elliott, Assistant Deputy Attorney General, Office of the Attorney General, P.O. Box 11549, Columbia, SC 29211, by depositing in the U.S. mail with proper postage, this 29<sup>th</sup> day of July, 2013.

  
\_\_\_\_\_  
JEREMY A. THOMPSON  
ATTORNEY FOR THE APPELLANT

SWORN TO BEFORE me this 29<sup>th</sup> day  
of July, 2013.

  
\_\_\_\_\_  
(L.S.)  
Notary Public for South Carolina

My Commission Expires: 7/10/2022

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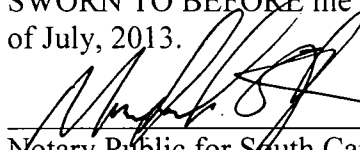
APPELLANT.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that one copy of the Motion to Be Relieved as Counsel in the above-entitled case has been served upon the Appellant, Antonio Gordon, Evans Correctional Institution, 610 Highway 9 West, Bennettsville, SC 29512, by depositing in the U.S. mail with proper postage, this 29<sup>th</sup> day of July, 2013.

  
\_\_\_\_\_  
**JEREMY A. THOMPSON**  
ATTORNEY FOR THE APPELLANT

SWORN TO BEFORE me this 29<sup>th</sup> day  
of July, 2013.

  
\_\_\_\_\_  
(L.S.)  
Notary Public for South Carolina  
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LAW OFFICE OF  
**JEREMY A. THOMPSON**  
LLC

July 29, 2013

VIA HAND-DELIVERY

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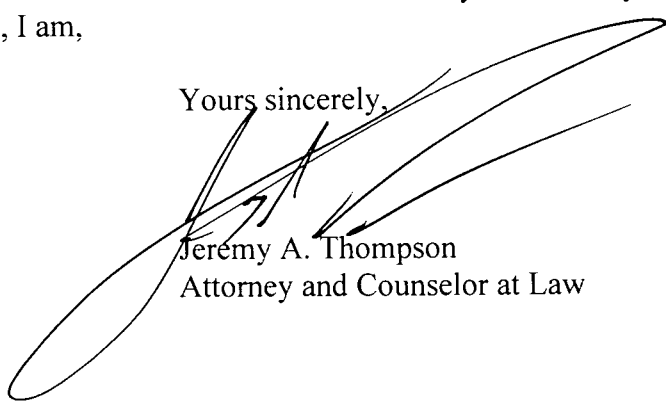
The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: State of South Carolina v. Antonio Gordon; 1998-GS-46-2847; 2849; 2851  
Appellate Case No.: 2013-000975

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of my Motion to Be Relieved as Counsel in the above-captioned action. I would appreciate your filing the original and six copies, clocking the remaining copy, and returning the clocked copy to me. Please let me know if the Court requires anything else from me in this matter. With my thanks for your assistance in this matter and my best regards, I am,

Yours sincerely,

  
Jeremy A. Thompson  
Attorney and Counselor at Law

JAT/  
Enclosure

cc: Salley W. Elliott, Assistant Deputy Attorney General (via U.S. mail) (w/ enclosure)  
Antonio Gordon, #259798 (via U.S. mail) (w/ enclosure)  
Spencer Gordon (via U.S. mail) (w/ enclosure)