

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE COURT OF GENERAL SESSIONS OF NEWBERRY COUNTY

Clifton B. Newman, Circuit Court Judge

Case No. 1994-GS-36-616

Appellate Case No. 2013-001728

State of South Carolina, Respondent,

v.

Gary Lane Prewitt, Appellant.

CONSENTED MOTION TO RELIEVE AND SUBSTITUTE COUNSEL FOR
APPELLANT

Stuart M. Axelrod, Esquire
606 16th Avenue North
Myrtle Beach, SC 29577
(843) 916-9300
Attorney for Appellant


Honorable Alan Wilson, Esquire
P.O. Box 11549
Columbia, SC 29211
(803) 734-3970
Attorney for Respondent

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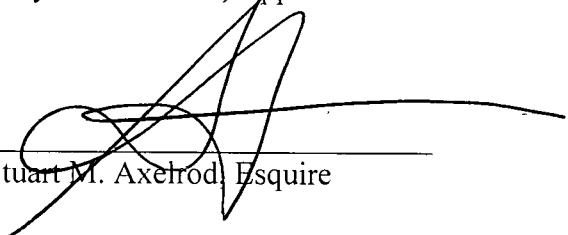
SEP 09 2013

SC Court of Appeals

I hereby consent to the withdrawal of Stuart M. Axelrod, Esquire as counsel of record for the above-referenced Appeal:




Gary Lane Prewitt, Appellant

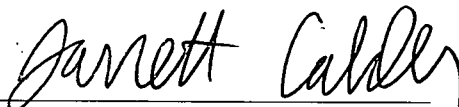


Stuart M. Axelrod, Esquire

I hereby consent to the substitution of Jarrett S. Calder, Esquire and Angie D. Knight, Esquire as counsel of record for the above-referenced Appeal:



Gary Lane Prewitt, Appellant



Jarrett S. Calder, Esquire



Angie D. Knight, Esquire

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State of South Carolina, Respondent,

v.

Gary Lane Prewitt, Appellant.

MEMORANDUM IN SUPPORT OF APPELLANT'S CONSENTED MOTION TO
RELIEVE AND SUBSTITUTE COUNSEL

Stuart M. Axelrod, Esquire
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Attorney for Appellant

Honorable Alan Wilson, Esquire
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Attorney for Respondent

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FACTS


On October 27, 2012, the Appellant filed a Motion for a New Trial Based on After-Discovered Evidence, pursuant to Rule 29(b) of the South Carolina Rules of Criminal Procedure. On March 12, 2013, a hearing took place at the Greenwood County Courthouse in front of the Honorable Clifton B. Newman. Attorneys Stuart M. Axelrod and Jarrett S. Calder, both at the time with Axelrod & Associates, P.A., represented the Appellant in this hearing. Subsequent to the Appellant's hearing, Attorney Calder ceased employment with Axelrod & Associates, P.A. Attorney Calder is currently an associate attorney with Grand Strand Law Group, LLC. Attorney Angie D. Knight is the proprietor and managing partner of Grand Strand Law Group, LLC.

On July 9, 2013, the Honorable Clifton B. Newman issued an Order denying the Appellant's Motion. The Appellant did not receive Judge Newman's Order until August 5, 2013. Attorney Axelrod filed a Notice of Appeal on behalf of the Appellant. Attorney Axelrod also informed the Appellant via written correspondence that he intended to withdraw as counsel of record. Upon calling Attorney Axelrod's office to confirm this intent to withdraw as counsel of record, Sandra Prewitt, the Appellant's mother, was informed that the Appellant could begin searching for new counsel. The Appellant, through his mother Sandra Prewitt, contacted Attorney Calder at his new office to inquire about Grand Strand Law Group, LLC representing the Appellant. Grand Strand Law Group, LLC was subsequently retained by the Appellant to represent him in this Appeal.

SUPPORTING AUTHORITY

Pursuant to Rule 264(b) of the South Carolina Appellate Court Rules, counsel of record may withdraw representation upon notice to and consent of the client. The Appellant stipulates that he was notified prior to retaining the services of Attorneys

Calder and Knight that Attorney Axelrod intended to withdraw as counsel of record. Furthermore, the Appellant has consented to the withdrawal of Attorney Axelrod as counsel of record and he wishes to move forward with Attorney Calder and Attorney Knight as counsel of record.



Stuart M. Axelrod, Esquire

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State of South Carolina, Respondent,

v.

Gary Lane Prewitt, Appellant.

AFFIDAVIT OF STUART M. AXELROD, ESQUIRE

Stuart M. Axelrod, Esquire
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(843) 916-9300
Attorney for Appellant

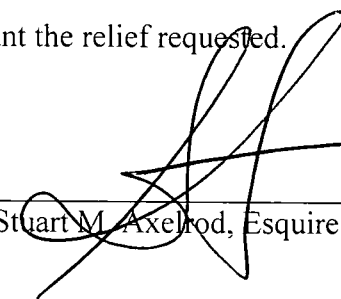
Honorable Alan Wilson, Esquire
P.O. Box 11549
Columbia, SC 29211
(803) 734-3970
Attorney for Respondent

PERSONALLY APPEARED BEFORE ME, the undersigned, who being duly sworn states as follows:

1. I began representing the Appellant in May 2012.
2. The scope of my representation was limited to the Appellant's Motion for a New Trial Based on After-Discovered Evidence.
3. Jarrett S. Calder, Esquire, who was then an associate at my firm, served as co-counsel.
4. Attorney Calder was the primary contact for both the Appellant and his family.
5. On March 12, 2013, a hearing was held in front of the Honorable Clifton B. Newman in Greenwood, South Carolina.
6. Attorney Calder and I were both present at the Appellant's hearing.
7. In May 2013, Attorney Calder ceased employment with my firm.
8. In July 2013, the Appellant's Motion was denied by Order of the Honorable Clifton B. Newman.
9. I subsequently filed a Notice of Appeal pursuant to the Appellant's direction.
10. Because my representation of the Appellant was limited to the Motion for a New Trial Based on After-Discovered Evidence, I sent the Appellant correspondence indicating that I intended to withdraw as counsel of record.
11. Subsequent to my correspondence, the Appellant contacted Attorneys Calder and Knight, who have agreed to represent the Appellant in his Appeal.
12. Attorney Calder, as my co-counsel in the Appellant's hearing, has vast knowledge of the facts and circumstances surrounding this matter, and is in my opinion competent to represent the Appellant.

13. Besides being a practicing attorney, I am the owner and managing partner of Axelrod & Associates, P.A., and I would be unable to devote the same amount of time to the Appellant's case as Attorney Calder.

14. Based on these facts, I pray that the Court grant the relief requested.



Stuart M. Axelrod, Esquire

Subscribed and sworn to me
this 21st day of August 2013.

Stephanie J. Mardozzi
Notary Public of South Carolina
My Commission Expires: 01/04/2020

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Case No. 1994-GS-36-616

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State of South Carolina, Respondent,

v.

Gary Lane Prewitt, Appellant.

AFFIDAVIT OF APPELLANT GARY LANE PREWITT

Stuart M. Axelrod, Esquire
606 16th Avenue North
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(843) 916-9300
Attorney for Appellant

Honorable Alan Wilson, Esquire
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(803) 734-3970
Attorney for Respondent

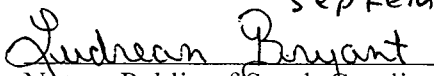
PERSONALLY APPEARED BEFORE ME, the undersigned, who being duly sworn states as follows:

1. I am the Appellant in the above-referenced case.
2. I am currently incarcerated at Lieber Correctional Institution in Ridgeville, South Carolina.
3. In May 2012, I retained Stuart M. Axelrod, Esquire to represent me in a Motion for a New Trial Based on After-Discovered Evidence.
4. A couple of months after Attorney Axelrod's May visit, I met Jarrett S. Calder, Esquire, Attorney Axelrod's then-associate.
5. From the first meeting with Attorney Calder until my hearing in March 2013, Attorney Calder was my primary contact.
6. From the first meeting with Attorney Calder until my hearing in March 2013, Attorney Calder was my family's primary contact.
7. On March 12, 2013, a hearing was held in front of the Honorable Clifton B. Newman in Greenwood, South Carolina.
8. Attorney Axelrod and Attorney Calder were both present at my hearing.
9. Sometime after my hearing, I found out that Attorney Calder was no longer employed with Axelrod & Associates, P.A.
10. On August 5, 2013, I received notice that my Motion had been denied by the Honorable Clifton B. Newman.
11. The copy of Judge Newman's Order that I received was incomplete, as it was missing page eight.
12. I have yet to receive a complete copy of Judge Newman's Order.

13. Subsequent to my receipt of the incomplete Order, Attorney Axelrod sent me correspondence indicating that he intended to withdraw as my counsel.
14. Sandra Prewitt, my mother, contacted Attorney Calder about representing me in appealing Judge Newman's denial.
15. Attorney Calder informed my mother that both he and Angie D. Knight, Esquire, his boss and managing partner, were willing and able to represent me.
16. Attorney Calder has extensive knowledge about the facts and circumstances of my case, as he was Attorney Axelrod's co-counsel in my hearing before the Honorable Clifton B. Newman.
17. I am fully informed and believe that Attorney Calder and Attorney Knight are competent to effectively represent me in my appeal.
18. Based on these facts, I pray that the Court grant the relief requested.



Gary Lane Prewitt, Appellant

20 BSC
Subscribed and sworn to me
this 9th day of ~~August~~ September 2013.


Notary Public of South Carolina
My Commission Expires: May 26, 2020

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State of South Carolina, Respondent,

v.

Gary Lane Prewitt, Appellant.

AFFIDAVIT OF JARRETT S. CALDER, ESQUIRE

Stuart M. Axelrod, Esquire
606 16th Avenue North
Myrtle Beach, SC 29577
(843) 916-9300
Attorney for Appellant

Honorable Alan Wilson, Esquire
P.O. Box 11549
Columbia, SC 29211
(803) 734-3970
Attorney for Respondent

PERSONALLY APPEARED BEFORE ME, the undersigned, who being duly sworn states as follows:

1. I am licensed attorney, having been admitted to the South Carolina Bar in November 2012.
2. I am currently an associate attorney at Grand Strand Law Group, LLC, located in Myrtle Beach, South Carolina.
3. I was previously employed with Axelrod & Associates, P.A., located in Myrtle Beach, South Carolina.
4. I served as co-counsel to Attorney Axelrod at the Appellant's hearing.
5. I first met the Appellant in the fall of 2012 at Lieber Correctional Institution.
6. From that first meeting, I was in constant contact with the Appellant, either by telephone or mail.
7. From that first meeting, I was also the primary contact for the Appellant's family, primarily via telephone.
8. As co-counsel, I drafted the Motion for a New Trial Based on After-Discovered Evidence.
9. As co-counsel, I drafted the Memorandum in Support of the Motion for a New Trial Based on After-Discovered Evidence.
10. As co-counsel, I worked countless hours preparing and organizing exhibits submitted at the Appellant's hearing.
11. As co-counsel, I drafted the Proposed Order sent to the Honorable Clifton B. Newman.
12. I am well acquainted with the facts and circumstances surrounding this case.

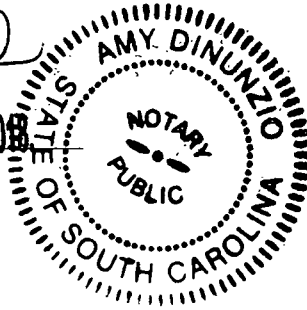
13. I am both willing and able to effectively represent the Appellant in this matter.

14. Based on these facts, I pray that the Court grant the relief requested.

Jarrett Calder
Jarrett S. Calder, Esquire

Subscribed and sworn to me
this 5th day of September 2013.

Amy Dinunzio
Notary Public of South Carolina
My Commission Expires February 19th, 2018



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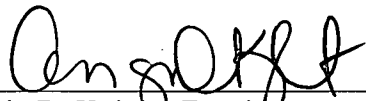
AFFIDAVIT OF ANGIE D. KNIGHT, ESQUIRE

Stuart M. Axelrod, Esquire
606 16th Avenue North
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(843) 916-9300
Attorney for Appellant

Honorable Alan Wilson, Esquire
P.O. Box 11549
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Attorney for Respondent

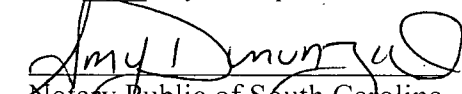
PERSONALLY APPEARED BEFORE ME, the undersigned, who being duly sworn states as follows:

1. I am licensed attorney in both South Carolina and Georgia, having been admitted to the South Carolina Bar in 2006 and the Georgia Bar in 2008.
2. I am currently the owner and managing partner of Grand Strand Law Group, LLC, located in Myrtle Beach, South Carolina.
3. Jarrett S. Calder, Esquire is an associate attorney employed by my office.
4. Prior to being the owner and managing partner of Grand Strand Law Group, LLC, I served as law clerk to the Honorable Steven H. John.
5. Since I began practicing law, I have regularly appeared in court on behalf of my clients.
6. I am both willing and able to effectively represent the Appellant in this matter.
7. Based on these facts, I pray that the Court grant the relief requested.



Angie D. Knight, Esquire

Subscribed and sworn to me
this 7th day of September 2013.


Notary Public of South Carolina
My commission expires February 19th, 2018



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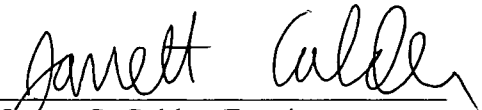
AFFIDAVIT OF SERVICE

Stuart M. Axelrod, Esquire
606 16th Avenue North
Myrtle Beach, SC 29577
(843) 916-9300
Attorney for Appellant

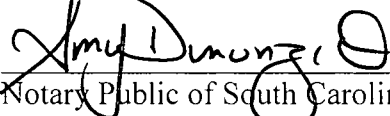
Honorable Alan Wilson, Esquire
P.O. Box 11549
Columbia, SC 29211
(803) 734-3970
Attorney for Respondent

PERSONALLY APPEARED BEFORE ME, Jarrett S. Calder, Esq., attorney with Grand Strand Law Group, LLC, who states that on the 5th day of September, 2013, he served a copy of the Consented Motion to Relieve and Substitute Counsel for Appellant, the Memorandum in Support of Appellant's Motion to Relieve and Substitute Counsel, the Affidavit of Stuart M. Axelrod, Esquire, the Affidavit of Gary Lane Prewitt, the Affidavit of Jarrett S. Calder, Esquire, the Affidavit of Angie D. Knight, Esquire and the Affidavit of Service, by depositing, VIA UNITED STATES MAIL, with proper postage attached and addressed, to the following:

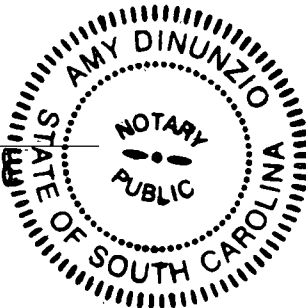
- Honorable Alan Wilson, Esquire, P.O. Box 11549, Columbia, SC 29211
- Eighth Judicial Circuit Solicitor's Office, P.O. Box 516, Greenwood, SC 29469
- Stuart M. Axelrod, Esquire, 606 16th Avenue North, Myrtle Beach, SC 29577
- Gary Lane Prewitt, SCDC #00217575, Lieber Correctional Institution, Ridgeville, SC 29472


Jarrett S. Calder, Esquire

Subscribed and sworn to me
this 5th day of September 2013.


Notary Public of South Carolina
My Commission Expires:

My commission expires February 19th, 2018



GRAND STRAND LAW GROUP, LLC

606 BROADWAY STREET, MYRTLE BEACH, SC 29577

PO BOX 3237, MYRTLE BEACH, SC 29578

www.GrandStrandLawGroup.com

ANGIE D. KNIGHT +*

*Managing Member

+Also Member of the Georgia Bar

843.492.5422 (MAIN)

843.492.5423 (FAX)

info@grandstrandlawgroup.com

SEPTEMBER 5, 2013

Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

Re: *State of South Carolina v. Gary Lane Prewitt*
Appellate Case No. 2013-001728

To Whom It May Concern:

Enclosed please find an original and seven (7) copies of the following:

- 1) Appellant's Consented Motion to Relieve and Substitute Counsel;
- 2) Memorandum in Support of Appellant's Motion to Relieve and Substitute Counsel;
- 3) Affidavit of Stuart M. Axelrod, Esq.;
- 4) Affidavit of Gary Lane Prewitt;
- 5) Affidavit of Jarrett S. Calder, Esq.;
- 6) Affidavit of Angie D. Knight, Esq.; and
- 7) Affidavit of Service.

Upon receipt and filing, kindly mail the surplus clocked copy to my office in the enclosed, stamped and self-addressed envelope. If you need my assistance or have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Jarrett S. Calder, Esq.

GRAND STRAND LAW GROUP, LLC

cc: Honorable Alan Wilson, Esquire

Eighth Circuit Solicitor's Office

Stuart M. Axelrod, Esquire

Gary Lane Prewitt, SCDC No. 00217575

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