

State of South Carolina  
Appeal from Richland County

~~IN The Supreme Court.~~  
IN The Supreme Court.

Mimi J. Marshall, 231371  
Appellant

- vs -

State of South Carolina  
Respondent.

Motion to Withdrawal  
As Counsel. (Rule (2)(240))

s/ Respectfully  
Mimi J. Marshall  
K.C.I. F-1158  
4344 Broadriver Rd  
Columbia, S.C.  
29210

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DEC 09 2024

S.C. SUPREME COURT

Appellate Counsel, who files A merits Brief need not and should not raise every Non-frivolous claim claim, But rather may select from among them in order to maximize the likelihood of success on Appeal. Nonetheless, It is possible to bring A Strickland claim based on appellate's Counsel failure to raise A particular claim. Although it is difficult to demonstrate that Counsel was incompetent and generally only when ignored issues are clearly stronger than those presented will the presumption of effective assistance of Counsel be overcome. 528 U.S. 259, 120 S. Ct. 746, 146 (1/19/2000) *Evitts vs. Lucey*, 469 U.S. 387, 105 S. Ct. 830, 83 L. Ed. 2d 821 (1985).

As to the fourth factor, This court Analysis is informed by the standard that when appellant alleges ineffective appellate Counsel as the sole basis for A motion to Withdrawal as Counsel, Appellate Counsel must represent client in best interest and no matter how meritorious an indigent's case may turn out to be, Discriminate between rich and poor rather than between possibly good and obviously bad cases. *Evitts vs. Lucey*, 469 U.S. 387, 105 S. Ct. 830, 83 L. Ed. 2d 821 (1985).

CONCLUSION

That appellate counsel be  
withdrawal and appellant be  
Appointed another counsel.

Respectfully,  
S/ Mimi J. Marsh  
K.C.I.F. / 158  
4344 Broadriver Rd  
Columbia, S.C.  
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The Supreme Court of  
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