

RECEIVED

Dec 19 2024

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal from Berkeley County Court of Common Pleas
The Honorable Michael G. Nettles, Circuit Court Judge

App. Case No. 2024-001993

Telly McClam, #00232709.....Petitioner,

v.

The State of South Carolina.....Respondent

MOTION TO WITHDRAW AS APPELLATE COUNSEL

The undersigned counsel hereby moves to withdraw as appellate counsel of record for the Petitioner, Telly McClam, in the above-captioned case.

Mr. McClam retained Undersigned counsel to represent him on his PCR case only as agreed upon. Upon the dismissal of his PCR, Undersigned Counsel filed a Rule 59 Motion and the Notice of Appeal from the Order of Dismissal pursuant to an attorney’s obligation to do so. These actions were undertaken with the understanding with Mr. McClam that Undersigned would not be perfecting the appeal. Mr. McClam was fully advised that Undersigned Counsel would not be continuing to represent him on this appeal in each of their communications, including meetings, telephone calls, and letters since the PCR evidentiary hearing was held. Mr. McClam has been made fully aware that he needs to make other arrangements for appellate counsel, either through

retaining alternative private counsel or obtaining an SCCID attorney or proceeding *pro se*. Mr. McClam has also been provided with the SCCID Affidavit of Indigency form as well as thorough instructions and information on his options. Mr. McClam was also advised that time was of the essence in making arrangements for other appellate counsel due to transcript order deadlines and other appeal procedural deadlines. At first, Mr. McClam expressed he would be pursuing SCCID representation. However, Mr. McClam has since stated he intends to try to somehow "force" Undersigned Counsel into perfecting his PCR appeal despite the limited terms of the representation agreement.

Undersigned counsel would move this Court for withdrawal as appellate counsel and for relief of any further obligations as Mr. McClam's counsel. Undersigned Counsel has fulfilled the obligation to file the Notice of Appeal with this Court as well as fulfilled the agreed-upon terms of the PCR representation agreement. Additionally, continuing as appellate counsel in perfecting the PCR appeal before this Court would contravene the terms of the representation agreement with Mr. McClam and would be unduly burdensome to Undersigned Counsel in light of the lack of compensation to perfect the appeal, as well as Mr. McClam's recent problematic course of conduct in his interactions and dealings with Undersigned Counsel. Withdrawal as appellate counsel is therefore appropriate.

WHEREFORE Counsel respectfully moves to withdraw as appellate counsel and be relieved of any further obligation in this matter.

Respectfully submitted,

William G. Yarborough, III

s/ William G. Yarborough, #10271

Lauren Carole Hobbis

s/ Lauren C. Hobbis, #103190

William G. Yarborough III, Attorney at Law, LLC
308 West Stone Avenue
Greenville, South Carolina 29609
(864) 331-1612