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**Dec 19 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of General Sessions  
Jocelyn Newman, Circuit Court Judge

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Case No.: 2020 GS 40 04514  
Appellate Case No. 2024-002126

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The State, ..... Respondent,

v.

Clifton Eugene Kimble, ..... Appellant.

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PETITION TO WITHDRAW FROM REPRESENTATION OF APPELLANT

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Pursuant to Rule 264(b) of the South Carolina Appellate Court Rules, the undersigned attorney, counsel of record for Appellant, Clifton E. Kimble, respectfully moves to withdraw from the representation of the Appellant in the appeal, and in support of this motion states as follows:

Appellant hired the undersigned attorney to represent him in connection with three charges brought in the Richland County Court of General Sessions, burglary in the first degree, kidnapping, and assault and battery of a high and aggravated nature. The trial of the charges was conducted December 9-12, 2024. Appellant was found not guilty as to the burglary and kidnapping charges. He was found guilty as to the charge of assault and battery of a high and aggravated nature, case number 2020-GS-40-04514. At

the client's request, the undersigned attorney served and filed a notice of appeal on behalf of the client. The appeal has been assigned the appellate case number 2024-002126.

Pursuant to the written engagement agreement governing counsel's representation of the client, signed by the client on September 3, 2020, the representation was specifically limited to the proceedings in the trial court, and expressly excluded any appeal. In particular, paragraph 2 of the engagement agreement provided the representation included "the following stages of the proceeding: Pretrial; Trial Preparation & Trial." Paragraph 6 further stated, "Clifton Kimble understands and agrees that the fee mentioned does not include appellate or expungement representation." The representation called for by the engagement agreement is complete. The undersigned attorney perfected the appeal, as requested by the client. However, because the undersigned attorney was hired only for trial and not for appeal, justifiable cause exists for granting counsel's petition to withdraw from the representation on appeal.

Counsel has previously notified the client of his intent to file this petition, as shown by a letter to Appellant dated December 18, 2024, a copy of which is attached to this petition. Counsel is further notifying the client of the filing of this petition, as shown by the accompanying proof of service, and is further notifying the adverse party, the State of South Carolina, also as shown by the proof of service, as required by Rule 264(b) of the South Carolina Appellate Court Rules.

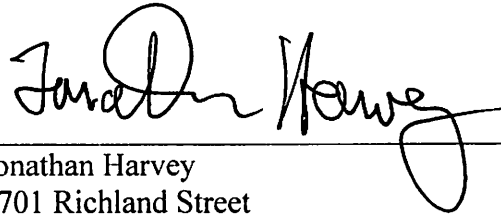
Rule 264(b) provides that an attorney of record in a matter pending in the appellate court may not withdraw from representation of his client without justifiable cause. In this case, justifiable cause exists because the undersigned attorney has completed the representation for which he was hired, and his engagement agreement

expressly excluded an appeal. Counsel perfected the appeal pursuant to the client's request but also notified the client of his intention to move to withdraw from the representation. Because counsel's representation agreement excluded any appeal, justifiable cause exists for his withdrawal.

In accordance with Rule 264(b) and based on the above showing of justifiable cause, counsel is asking this Court to allow his withdrawal from the representation of the client in the appeal, in accordance with the terms of the engagement agreement which expressly excluded representation on appeal.

Wherefore, counsel respectfully moves for a written order granting this petition to withdraw from the representation of Appellant in this appeal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jonathan Harvey". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline that extends to the right.

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Jonathan Harvey  
1701 Richland Street  
Columbia, South Carolina 29201  
Telephone: 803-779-3363  
S.C. Bar #: 2786

Law Office of  
**JONATHAN HARVEY**  
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1701 Richland Street  
Columbia, South Carolina 29201

December 18, 2024

**Confidential Legal Mail**

Clifton Kimble  
Inmate 00395991  
Kirkland Reception and Evaluation Center  
4344 Broad River Road  
Columbia, SC 29210

Re: State v. Clifton E. Kimble  
2020 GS 40 04514  
Appellate Case No.: 2024-002126

Dear Clifton:

I am utilizing this communication to provide written notice that I will move pursuant to Rule 264(b) of the South Carolina Appellate Court Rules to withdraw from representation in the pending appeal.

In accordance with our discussion after the verdict on December 12, 2024 I have filed a Notice of Intent to Appeal. This was done to protect your appellate rights. As you are aware the Engagement Agreement for my services specifically excluded appellate representation.

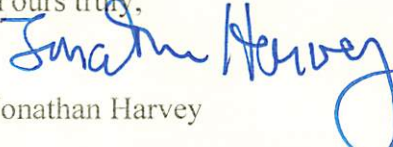
I have enclosed copies of documents filed with the S.C. Court of Appeals.

You may choose to engage counsel and if that is not feasible, I suggest you contact the South Carolina Commission of Indigent Defense:

South Carolina Office of Indigent Defense  
Division of Appellate Defense  
PO Box 11433  
Columbia, SC 29211  
803-734-1343

I wish the best moving forward.

Yours truly,

  
Jonathan Harvey

JH/mb  
Enclosures  
20-52

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PROOF OF SERVICE

I certify that I have served the Petition to Withdraw from Representation of Appellant upon the Appellant, Clifton E. Kimble, by mail to Clifton Kimble, Inmate 00395991, Kirkland Reception and Evaluation Center, 4344 Broad River Road, Columbia, SC 29210, and upon the adverse party, the State of South Carolina, by mail to Assistant Solicitor Anna Browder, Fifth Judicial Circuit Solicitor’s Office, 1701 Main Street, P.O. Box 192, Columbia, South Carolina 29202, and to the Office of the South Carolina Attorney General, P.O. Box 11549, Columbia, South Carolina 29211, on December 19, 2024.

Mahayla Bainter  
Assistant to Jonathan Harvey  
1701 Richland Street  
Columbia, South Carolina 29201  
Telephone: 803-779-3363