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Mar 21 2025

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

IN THE ORIGINAL JURISDICTION

Case No. 2025-000524

MIKAL D. MAHDI,
Petitioner,

v.

BRYAN P. STIRLING, Commissioner,
South Carolina Department of Corrections
Respondent.

**COUNSEL FOR AMICI CURIAE'S MOTION IN SUPPORT OF
PRO HAC VICE ADMISSIONS OF SETH FARBER AND HEATHER DONATO**

Stuart M. Andrews, Jr., counsel for amici curiae, and a member in good standing of the bar of the State of South Carolina admitted to practice before this Court hereby moves for the admission and appearance in the above-captioned case of (1) Seth Charles Farber, an attorney admitted and authorized to practice law in the highest court of the State of New York, as verified in the application, which is incorporated herein by reference; and (2) Heather Marie Donato, an attorney admitted and authorized to practice law in the highest court of the State of New York, as verified in the application, which is incorporated herein by reference. This motion is made upon and is supported by the Verified Applications for Admission *Pro Hac Vice* of Seth Charles Farber, attached hereto as **Exhibit A**, and Heather Marie Donato, attached hereto as **Exhibit B**, which

have been filed with the South Carolina Supreme Court Office of Bar Admissions along with the \$250.00 filing fees for each application pursuant to Rule 404, SCACR.

The undersigned local counsel hereby moves, together with the attached Application, that Seth Farber and Heather Donato be admitted *pro hac vice* in the above captioned case as associate counsel. As local counsel, I understand that:

1. I will personally sign each pleading, motion, discovery procedure, or other document that I serve or file in this Court;
2. All pleadings and other documents that I file in this case will contain my name, firm name, address, and phone number and those of my associate counsel admitted *pro hac vice*;
3. Service of all pleadings and notices as required shall be sufficient if served upon me, and it is my responsibility to serve my associate counsel admitted *pro hac vice*; and
4. Unless excused by the Court, I will be present at all pretrial conferences, hearings, and trials and may attend discovery proceedings. I will be prepared to actively participate if necessary.

Respectfully submitted,

s/Stuart M. Andrews

Stuart M. Andrews, Jr. (SC Bar No. 400)
Ashley Pennington (SC Bar No. 4409)
BURNETTE SHUTT & MCDANIEL, PA
912 Lady Street
PO Box 1929
Columbia, SC 29202
sandrews@burnetteshutt.law
apennington@burnetteshutt.law
Tel: (803) 904-7915

Counsel for Amici Curiae

March 21, 2025
Columbia, South Carolina

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S.C. SUPREME COURT

EXHIBIT A

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VERIFIED APPLICATION FOR ADMISSION PRO HAC VICE TO THE SUPREME COURT IN THE STATE OF SOUTH CAROLINA

Please type your answers in the space provided. Provide an answer for every question asked. In your own handwriting, sign in all spaces where a signature is required (no e-signatures). The accompanying certificate of good standing should not be older than 90 days at the time of the filing of this application.

Mikal D. Mahdi 2025-000524 South Carolina Supreme Court
Plaintiff Case No. Tribunal
vs. Bryan P. Sterling, Commissioner, Mailing Address of Tribunal: 1231 Gervais St
South Carolina Department of Corrections Columbia, SC 29201
Defendant

Comes now Seth Charles Farber, applicant herein, and respectfully represents the following:

1. Applicant resides at:
Street Address Westchester NY 10580
Rye County State Zip Code
City
Telephone

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Winston & Strawn, LLP, with offices at 200 Park Avenue

Street Address New York NY 10166
New York County State Zip Code
City
(212) 294-6700 (212) 294-4700 sfarber@winston.com
Primary Telephone Cell Phone Fax Number Email Address

3. Applicant has been retained personally or as a member of the above-named law firm by Time Served, Criminal Practice Clinic at the University of South Carolina, and The Gault Center ("Amici Curiae") to provide legal representation in connection with the above case now pending before the above-named tribunal of the State of South Carolina.

4. Since September of 1990, Applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of New York where Applicant regularly practices law. Attached is a certificate of good standing dated within the last 90 days from the bar of the highest court of the District of Columbia or the State where applicant regularly practices law. It is not necessary to provide a certificate of good standing from all courts before which you are admitted.

5. List all courts before which Applicant has been admitted to practice law, including United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and state courts or the District of Columbia.

| Court: | Date Admitted: |
|------------------------------|----------------|
| Please see attached Appendix | |
| | |
| | |
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| | |

Is Applicant presently a member in good standing of the bars of those courts listed above? List any court named in the preceding paragraph that applicant is no longer admitted to practice before.

Yes

6. Is Applicant presently subject to any suspension or disbarment proceedings, or has Applicant been formally notified of any complaints pending before a disciplinary agency? If yes, give particulars, e.g., jurisdiction, court date.

No

7. Has Applicant had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked? If yes give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation.

No

8. Has Applicant had any certificate or privilege to appear and practice before any court or administrative body suspended or revoked? If yes, give particulars, e.g., date, court, administrative body, date of suspension and reinstatement.

No

9. Please be aware that local counsel must be Rule 403 certified. Local counsel of record associated with Applicant in this case is Stuart M. Andrews, Jr. of the Burnette Shutt & McDaniel, PA law firm, which has offices at:

| | | | |
|--|---------------------|-----------------------------------|---------------|
| <u>P. O. Box 1929, 912 Lady Street</u> | | | |
| Street Address | <u>Richland</u> | <u>SC</u> | <u>29202</u> |
| <u>Columbia</u> | County | State | Zip Code |
| <u>803-904-7915</u> | <u>803-904-7910</u> | <u>sandrews@burnetteshutt.law</u> | |
| Primary Telephone | Cell Phone | Fax Number | Email Address |

South Carolina Bar Number
(You must provide Bar Number)

10. Has Applicant previously filed an application to appear *pro hac vice* in South Carolina cases? If yes, give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted.


Please see attached Appendix.

11. Does Applicant agree to comply with the applicable statutes, laws and rules of the State of South Carolina and familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct? Does Applicant consent to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

Yes

12. Applicant respectfully requests to be admitted to practice in the above-named tribunal for this case only.

DATED this 19th day of March, 2025



APPLICANT

VERIFICATION

STATE OF Florida)

COUNTY OF Palm Beach)

I, Seth C. Farber, do hereby swear or affirm under penalty of perjury that I am the applicant in the above-styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I understand that I am under a continuing duty to promptly update the information provided in the application until the tribunal has ruled on the motion for admission pro hac vice. Further, if the motion is granted, I understand that I am under a continuing duty to promptly update the information provided in the application as long as I continue to appear pro hac vice in the action or proceeding. Any updated information shall be provided to both the tribunal that granted the motion and to the tribunal in which the action or proceeding may then be pending.

Seth C. Farber

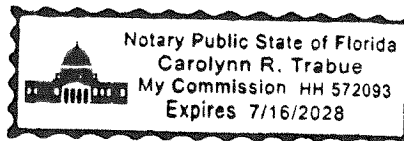
APPLICANT/AFFIANT

Subscribed and sworn to before me this 19th day of March, 20 25

Carolynn R. Trabue
(Notary Signature)

Notary Public for the State of Florida

My Commission Expires: 07/16/2028



LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 21st day of MARCH, 20 25

Shutt E. McDaniel
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

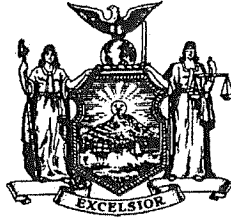
I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by ~~mail~~ addressed to: South Carolina Supreme Court Office of Bar Admissions, ~~PO Box 11330, Columbia, SC 29211~~, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this

21st day of March, 20 25

Amy A. Abernombie
Paralegal - Burnette, Shutt & McDaniel, PA

1231 Gervais Street
Columbia, SC 29201

hand delivery



*Appellate Division of the Supreme Court
of the State of New York
Third Judicial Department*

I, Robert D. Mayberger, Clerk of the Appellate Division of the Supreme Court of the State of New York, Third Judicial Department, do hereby certify that

Seth Charles Farber

*was duly licensed and admitted to practice as an Attorney and Counselor at Law in all the courts of this State on **September 25, 1990**, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counselors at Law on file in this office, is duly registered with the Office of Court Administration, and according to the records of this Court is currently in good standing as an Attorney and Counselor-at-Law.*

In Witness Whereof, I have hereunto set my hand in the City of Albany on March 18, 2025.

Robert D Mayberger

Clerk of the Court

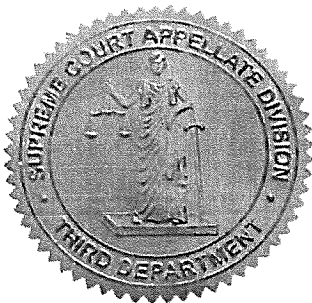


Exhibit A

**Appendix to Exhibit A, Question 5:
Court Admissions of Seth Charles Farber**

| Court: | Date Admitted: |
|---------------------------|-----------------------|
| New York State Court | 9/25/1990 |
| Massachusetts State Court | 12/18/1989 |
| MA District | 4/23/2024 |
| MI Eastern District | 7/30/2002 |
| NY Eastern District | 5/12/2000 |
| NY Southern District | 8/6/1996 |
| US Supreme Court | 2/28/2011 |
| USCA 10th Circuit | 4/29/2009 |
| USCA 11th Circuit | 4/2/2018 |
| USCA 2d Circuit | 1/23/1993 |
| USCA 4th Circuit | 10/10/2000 |
| USCA 5th Circuit | 6/29/2005 |
| USCA 6th Circuit | 9/5/2006 |
| USCA 9th Circuit | 2/8/2005 |

Appendix to Exhibit A, Question 10:

Yes, Applicant Seth Farber has previous filed applications to appear *pro hac vice* in the following South Carolina cases:

1. *State of South Carolina v. Elijah Prioleau*, Case Nos. 2018A1021000890-891; 2018A102100916-0919; and 2018A1021000921; application filed in November 2019 and granted in December 2019; litigation is finished (local counsel: Teresa L. Norris)
2. *State of South Carolina v. Robert David Nolen*, Case No. 2016A0810401444 to 1449; application filed in May 2018 and was subsequently granted; litigation is finished (local counsel: Teresa L. Norris)
3. *Mikal D. Mahdi v. State of South Carolina*, No. 2004-002131, Supreme Court of South Carolina; application filed and granted in approximately February 2013; litigation is finished (petition for writ of certiorari denied) (local counsel: Teresa L. Norris)
4. *Christopher F. Pittman, #3 07734, v. State of South Carolina*, Chester County PCR; application filed and granted in approximately July 2009; litigation is finished (local counsel: Teresa L. Norris)

EXHIBIT B

MAR 21 2025

VERIFIED APPLICATION FOR ADMISSION PRO HAC VICE IN THE STATE OF SOUTH CAROLINA S.C. SUPREME COURT

Please type your answers in the space provided. Provide an answer for every question asked. In your own handwriting, sign in all spaces where a signature is required (no e-signatures). The accompanying certificate of good standing should not be older than 90 days at the time of the filing of this application.

Mikal D. Mahdi 2025-000524 South Carolina Supreme Court
Plaintiff Case No. Tribunal
vs. Bryan P. Sterling, Commissioner, Mailing Address of Tribunal: 1231 Gervais St
South Carolina Department of Corrections Columbia, SC 29201
Defendant

Comes now Heather Marie Donato, applicant herein, and respectfully represents the following:

1. Applicant resides at:
Street Address Brooklyn Kings NY 11237
City County State Zip Code
Telephone

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Winston & Strawn, LLP, with offices at 200 Park Avenue
Street Address New York New York NY 10166
City County State Zip Code
(212) 294-6700 (212) 294-4700 hdonato@winston.com
Primary Telephone Cell Phone Fax Number Email Address

3. Applicant has been retained personally or as a member of the above-named law firm by Time Served, Criminal Practice Clinic at the University of South Carolina, and The Gault Center ("Amici Curiae") to provide legal representation in connection with the above case now pending before the above-named tribunal of the State of South Carolina.

4. Since July of 2024, Applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of New York where Applicant regularly practices law. Attached is a certificate of good standing dated within the last 90 days from the bar of the highest court of the District of Columbia or the State where applicant regularly practices law. It is not necessary to provide a certificate of good standing from all courts before which you are admitted.

5. List all courts before which Applicant has been admitted to practice law, including United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and state courts or the District of Columbia.

| Court: | Date Admitted: |
|----------------------|----------------|
| New York State Court | 7/16/2024 |
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Is Applicant presently a member in good standing of the bars of those courts listed above? List any court named in the preceding paragraph that applicant is no longer admitted to practice before.

Yes

6. Is Applicant presently subject to any suspension or disbarment proceedings, or has Applicant been formally notified of any complaints pending before a disciplinary agency? If yes, give particulars, e.g., jurisdiction, court date.

No

7. Has Applicant had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked? If yes give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation.

No

8. Has Applicant had any certificate or privilege to appear and practice before any court or administrative body suspended or revoked? If yes, give particulars, e.g., date, court, administrative body, date of suspension and reinstatement.

No

9. Please be aware that local counsel must be Rule 403 certified. Local counsel of record associated with Applicant in this case is Stuart M. Andrews, Jr. of the Burnette Shutt & McDaniel, PA law firm, which has offices at:

P. O. Box 1929, 912 Lady Street

| | | | | |
|-------------------|---------------------|-------------------|---------------------|-----------------------------------|
| Street Address | <u>Columbia</u> | <u>Richland</u> | <u>SC</u> | <u>29202</u> |
| City | <u>803-904-7915</u> | <u>County</u> | <u>State</u> | <u>Zip Code</u> |
| Primary Telephone | | <u>Cell Phone</u> | <u>803-904-7910</u> | <u>sandrews@burnetteshutt.law</u> |
| | | | <u>Fax Number</u> | <u>Email Address</u> |

400

South Carolina Bar Number
(You must provide Bar Number)

10. Has Applicant previously filed an application to appear *pro hac vice* in South Carolina cases? If yes, give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted.

No

11. Does Applicant agree to comply with the applicable statutes, laws and rules of the State of South Carolina and familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct? Does Applicant consent to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

Yes

12. Applicant respectfully requests to be admitted to practice in the above-named tribunal for this case only.

DATED this 19 day of March, 2025

Heather Donato
APPLICANT

RECEIVED
MAR 21 2025
S.C. SUPREME COURT

VERIFICATION

STATE OF New York)

COUNTY OF New York)

I, Heather Marie Donato, do hereby swear or affirm under penalty of perjury that I am the applicant in the above-styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I understand that I am under a continuing duty to promptly update the information provided in the application until the tribunal has ruled on the motion for admission pro hac vice. Further, if the motion is granted, I understand that I am under a continuing duty to promptly update the information provided in the application as long as I continue to appear pro hac vice in the action or proceeding. Any updated information shall be provided to both the tribunal that granted the motion and to the tribunal in which the action or proceeding may then be pending.

Heather Donato
APPLICANT/AFFIANT

Subscribed and sworn to before me this 19 day of March, 20 25

Micol Blum
(Notary Signature)

NICOLE THOMAS
Notary Public, State of New York
No. 01BE6249951
Qualified in New York County
Commission Expires October 17, 2027

Notary Public for the State of New York

My Commission Expires: October 17, 2027

LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 21st day of MARCH, 20 25

Sharon Andrews
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

hand delivery I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, ~~PO Box 11330~~, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this

21st day of March, 20 25

Amy K Abernethy
Paralegal - Burnette Shuff & McDaniel, P.A.

1231 Gervais St
Columbia, SC 29201



RECEIVED
MAR 21 2025
S.C. SUPREME COURT

*Appellate Division of the Supreme Court
of the State of New York
Second Judicial Department*

*I, Darrell M. Joseph, Clerk of the Appellate Division of the
Supreme Court of the State of New York, Second Judicial
Department, do hereby certify that*

Heather Marie Donato

*was duly licensed and admitted to practice as an Attorney and
Counselor at Law in all the courts of this State on July 16, 2024,
has duly taken and subscribed the oath of office prescribed by law,
has been enrolled in the Roll of Attorneys and Counselors at Law
on file in this office, is duly registered with the Office of Court
Administration, and according to the records of this Court is
currently in good standing as an Attorney and Counselor-at-Law.*

*In Witness Whereof, I have hereunto set
my hand in the City of Brooklyn on
March 14, 2025.*



Darrell M. Joseph

Clerk of the Court



HECTOR D. LASALLE
PRESIDING JUSTICE

DARRELL M. JOSEPH
CLERK OF THE COURT

Appellate Division
Supreme Court of the State of New York
Second Judicial Department
45 Monroe Place
Brooklyn, N.Y. 11201
(718) 875-1300

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MAR 21 2025

S.C. SUPREME COURT

KENNETH BAND
MELISSA KRAKOWSKI
DEPUTY CLERKS

WENDY STYNES
LAUREN G. DOME
BRIAN E. KENNEDY
RIAD P. WILLIAMS
ASSOCIATE DEPUTY CLERKS

To Whom It May Concern

An attorney admitted to practice by this Court may request a certificate of good standing, which is the only official document this Court issues certifying to an attorney's admission and good standing.

An attorney's registration status, date of admission and disciplinary history may be viewed through the attorney search feature on the website of the Unified Court System.

New York State does not register attorneys as active or inactive.

An attorney may request a disciplinary history letter from the Attorney Grievance Committee of the Second Judicial Department.

Bar examination history is available from the New York State Board of Law Examiners.

Instructions, forms and links are available on this Court's website.

Darrell M. Joseph
Clerk of the Court