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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 ADMISSION OF BRANDON DUKE**

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 Brandon Duke, an attorney admitted and authorized to practice law in the highest court of the State of Texas, as verified in the application, which is incorporated herein by reference. This motion is made upon and is supported by the Verified Application for Admission *Pro Hac Vice* of Brandon Duke, attached hereto as **Exhibit A**, which has been filed with the South Carolina Supreme Court Office of Bar Admissions along with the \$250.00 filing fee pursuant to Rule 404, SCACR.

The undersigned local counsel hereby moves, together with the attached Application, that Brandon Duke 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* ~~MAR~~ 21 2025
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.

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

Comes now Brandon Duke, applicant herein, and respectfully represents the following:

1. Applicant resides at: [REDACTED]

<u>Street Address</u> <u>Houston</u>	<u>Harris</u>	<u>Texas</u>	<u>77008</u>
<u>City</u> <u>[REDACTED]</u>	<u>County</u>	<u>State</u>	<u>Zip Code</u>
<u>Telephone</u>			

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) O'Melveny & Myers LLP, with offices at 700 Louisiana Street, Suite 2900

<u>Street Address</u> <u>Houston</u>	<u>Harris</u>	<u>TX</u>	<u>77002</u>
<u>City</u> <u>713-557-5182</u>	<u>County</u>	<u>State</u>	<u>Zip Code</u> <u>bduke@omm.com</u>
<u>Primary Telephone</u>	<u>Cell Phone</u>	<u>Fax Number</u>	<u>Email Address</u>

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, Able SC, 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 April of 2015, 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 Texas 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:
See attached.	

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

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 20TH day of MARCH, 2025

Bl Wald
APPLICANT

VERIFICATION

STATE OF TEXAS

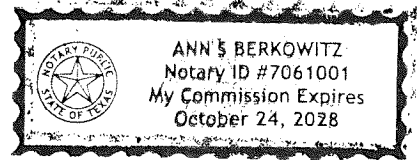
COUNTY OF HARRIS

I, BRANDON DUKE, 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.

[Signature]
APPLICANT/AFFIANT

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

[Signature]
(Notary Signature)



Notary Public for the State of Texas
My Commission Expires: October 24, 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

[Signature]
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

hand delivered

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

1231 Gervais Street
Columbia SC 29201

[Signature]
Paralegal - Burnette Shutt & McDaniel, PA

List of Court Admissions

<u>Court</u>	<u>Date Admitted</u>
U.S. Supreme Court	3/4/2013
Second Circuit	06/17/2010
Fourth Circuit	02/11/2012
Fifth Circuit	02/16/2018
Seventh Circuit	04/03/2013
Tenth Circuit	08/02/2022
Eastern District of New York	01/08/2010
Southern District of New York	01/08/2010
Eastern District of Michigan	07/27/2012
Eastern District of Texas	04/2022
Southern District of Texas	05/12/2016
Western District of Texas	11/30/2021
Western District of Oklahoma	01/11/2022
New York State	12/14/2009

The Supreme Court of Texas

AUSTIN

CLERK'S OFFICE

I, **BLAKE HAWTHORNE**, Clerk of the Supreme Court of Texas, certify that the records of this office show that

Brandon W. Duke

was duly admitted and licensed as an attorney and counselor at law by the Supreme Court of Texas on the 23th day of April, 2015.

I further certify that the records of this office show that, as of this date

Brandon W. Duke

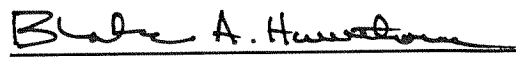
is presently enrolled with the State Bar of Texas as an active member in good standing.

IN TESTIMONY WHEREOF witness my signature

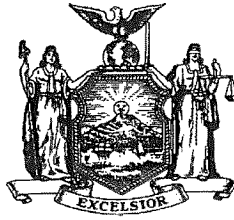


and the seal of the Supreme Court of Texas at the City of Austin, this, the 5th day of February, 2025.

BLAKE HAWTHORNE, Clerk


Clerk, Supreme Court of Texas

No. 0282C.1



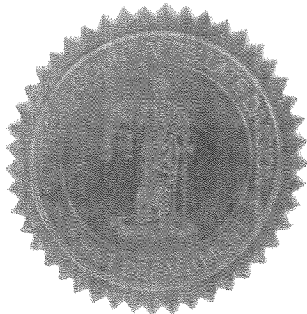
*Appellate Division of the Supreme Court
of the State of New York
First Judicial Department*

I, Susanna M. Rojas, Clerk of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, do hereby certify that

Brandon W. Duke

*was duly licensed and admitted to practice as an Attorney and Counselor at Law in all the courts of this State on **December 14, 2009**, 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 New York on February 6, 2025.



Susanna M. Rojas

Clerk of the Court