

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED
May 14 2025
S.C. SUPREME COURT

On Petition for a Writ of Certiorari from Hampton County

Honorable J. Derham Cole, Circuit Court Judge

JOHNNIE LEE MCKNIGHT,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

Appellate Case No. 2025-000106

MOTION FOR APPOINTMENT
OF OUTSIDE COUNSEL

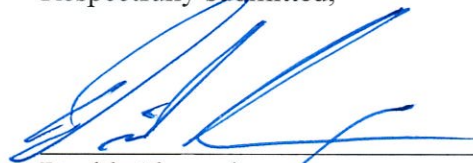
The undersigned respectfully shows the Court:

1. The above-captioned case is an appeal of the denial of post-conviction relief. Petitioner Johnnie Lee McKnight is indigent, incarcerated, and currently represented by Appellate Defense. Petitioner's case was assigned by the Chief Appellate Defender, Robert M. Dudek, to the undersigned ("Appellate Counsel").

2. Petitioner is currently serving a sentence of life imprisonment for murder and other charges. Petitioner was represented by Chelsey F. Marto in the underlying PCR action. Chief Appellate Defender Robert M. Dudek represented Petitioner on direct appeal.
3. Petitioner raised multiple claims of ineffective assistance of appellate counsel against Mr. Dudek in his PCR. Mr. Dudek testified at the PCR hearing. Judge Cole denied relief on three such claims in the Order of Dismissal, attached as Exhibit A. Judge Cole's rulings on these issues are on pages 37-38 of the Order.
4. Appellate Counsel discussed with petitioner the appearance of a potential conflict of interest in that his representation may require him to brief issues related to his supervisor's alleged ineffectiveness.
5. Petitioner strongly feels that Appellate Counsel's continued representation of him would be a conflict of interest and asked Appellate Counsel to file this motion.
6. Appellate Counsel explained that if the Court grants this motion and appoints outside counsel, one possibility is the Court will appoint PCR counsel Marto to handle the appeal. Petitioner asked Appellate Counsel to communicate to the Court that he wishes the Court to appoint an attorney other than PCR counsel Marto. Appellate Counsel advised petitioner that the decision on the motion and the lawyer to be appointed if the motion is granted is wholly up to the Court.
7. Appellate Counsel therefore files this motion requesting that the Court, in its discretion, appoint petitioner an attorney from outside the Office of Appellate Defense and relieve Appellate Counsel as petitioner's attorney.

8. Appellate Counsel has conferred with Danielle Dixon, Esq., with the Attorney General's Office, who is representing the State, and she indicates that the State does not oppose this motion.
9. Appellate Counsel requests that the deadlines for submitting the petition for certiorari be held in abeyance until the Court issues its decision on this motion.

Respectfully submitted,



David Alexander
Dep. Chief Attorney for Capital Appeals
Appellate Defense

Attorney for Petitioner

May 14, 2025