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Wanda H. Carter, Interim Chief Appellate Defender

RECEIVED

Jul 16 2025

S.C. SUPREME COURT

July 16, 2025

Honorable Patricia A. Howard
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Request for Order of Substitute Counsel
Gregory Kyle Green v. The State
Appellate Case No. 2025-000800

Dear Ms. Howard:

On November 7, 2019, Gregory Kyle Green was convicted of murder and possession of a weapon during the commission of a violent crime per jury trial held at the Charleston County General Sessions Court before Judge Perry M. Buckner, who sentenced him to imprisonment for a period of forty years. On February 2, 2022, the case was affirmed on appeal by the South Carolina Court of Appeals. See State v. Green, Unpublished Opinion No. 2022-UP-034 (S.C. Ct. App. Filed February 2, 2022).

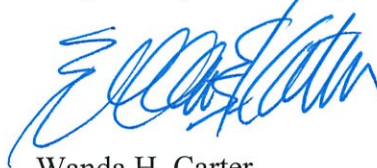
Mr. Green filed a PCR action on February 17, 2022, and after an evidentiary hearing was held in the case, an Order of Dismissal was filed on April 3, 2025, by Judge Jocelyn Newman therein denying his allegations of ineffective assistance of trial and appellate counsels in the case.

Mr. Green's PCR appeal has been assigned to this office to perfect; however, a conflict exists because the undersigned counsel represented Mr. Green on direct appeal as appellate counsel and was subsequently the subject of alleged ineffective assistance of appellate counsel claims in connection with the instant PCR case. Also, note that the undersigned counsel testified at the PCR hearing in response to the allegations of ineffective assistance of appellate counsel.

As a result, the PCR appeal in the case, which is presently in our office, raises a conflict with our office inasmuch as any staff attorney, including myself, assigned to the case would be placed in the position of having to evaluate the effectiveness or ineffectiveness of another office

attorney therein giving rise to dual representations and divided loyalties. Duncan v. State, 281 S.C. 435, 315 S.E.2d 809 (1984), citing to Cuyler v. Sullivan, 446 U.S. 335 (1980) and Zuck v. State of Alabama, 588 F.2d 436 (5th Cir. 1979). Therefore, in order to avoid actual impropriety or the appearance of impropriety (See SCACR Rule 407), this letter is a request for an Order of Substitute Counsel to be issued in the above titled PCR appeal.

Respectfully Submitted,



Wanda H. Carter
Interim Chief Appellate Defender

WHC/sl

cc: Danielle Dixon, Esquire