

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ORIGINAL

Appeal from Spartanburg County

Honorable J. Mark Hayes, II, Circuit Court Judge

RECEIVED

JUN 13 2011

NATHANIEL GREEN,

S.C. Supreme Court

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

RETURN TO PETITIONER'S MOTION TO SUBSTITUTE COUNSEL

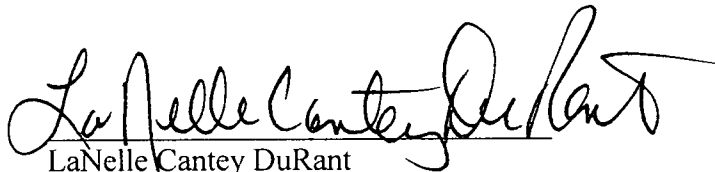
The undersigned respectfully shows the Court:

1. In November 2004, the Spartanburg County Grand Jury indicted Nathaniel Green on the charge of trafficking in crack cocaine more than ten grams. On February 15, 2005, Green appeared before the Honorable J. Derham Cole for a bench trial which Green requested. He was represented by Thomas A.M. Boggs, Esquire. Judge Cole found Green guilty as charged and sentenced him to the mandatory minimum of twenty-five years for the third offense.

2. A notice of appeal was filed. An appeal was perfected by Joseph L. Savitz, III, of the Office of Appellate Defense, with the filing of a brief pursuant to Anders v. California, 386 U.S. 738 (1967). The South Carolina Court of Appeals dismissed the appeal by order filed June 11, 2007.
3. On June 23, 2008, Green filed an application for post-conviction relief (PCR). The state filed a return on February 14, 2009. An evidentiary hearing was held July 27, 2009 before the Honorable J. Mark Hayes, II.
4. On November 2, 2009, Judge Hayes issued an order denying Green's PCR application and dismissing it with prejudice. Green's attorney filed a notice of appeal.
5. On July 14, 2010, LaNelle C. DuRant of the Office of Appellate Defense filed a Petition for Writ of Certiorari pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), on behalf of Petitioner Nathaniel Green. This Petition is pending before this Court.
6. Appellate Defender DuRant does not oppose Petitioner Green's request to substitute counsel if Petitioner Green believes this is in his best interest.

WHEREFORE, undersigned counsel respectfully requests that the Court grant Petitioner's Motion to Substitute Counsel.

Respectfully submitted,



LaNelle Cantey DuRant
Appellate Defender

Attorney for Petitioner

This 13th day of June, 2011

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County

Honorable J. Mark Hayes, II, Circuit Court Judge

NATHANIEL GREEN,

PETITIONER,

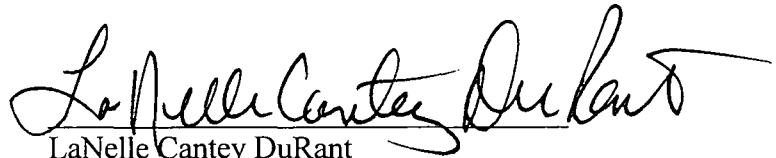
V.

STATE OF SOUTH CAROLINA,

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CERTIFICATE OF SERVICE

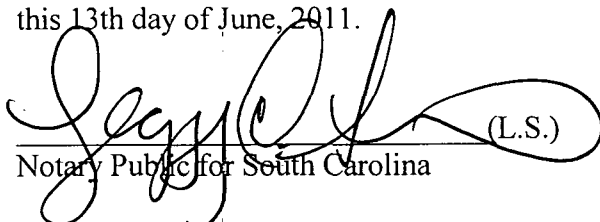
The undersigned attorney hereby certifies that a true copy of the Motion for Appointment of Outside Counsel in the above referenced case has been served upon opposing counsel, Suzanne H. White, Esquire; J. Falkner Wilkes, Esquire and Nathaniel Green, #307622 at Perry Correctional Institution, this 13th day of June, 2011.



LaNelle Cantey DuRant
Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me
this 13th day of June, 2011.



(L.S.)
Notary Public for South Carolina

My Commission Expires: December 4, 2017