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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

November 21, 2013

RECEIVED

NOV 21 2013

S.C. Supreme Court

The Honorable Daniel E. Shearouse  
Clerk, S.C. Supreme Court  
PO Box 11330  
Columbia, SC 29211

Re: Bruce Wilson v. State of South Carolina – Appellate case No. 2013-0001275

Dear Mr. Shearouse:

Enclosed are an original and six copies of the Motion for Appointment of Outside Counsel in the above-captioned case. Thank you for your assistance in this matter.

Sincerely,

LaNelle Cantey DuRant  
Appellate Defender

LCD/mpm

Enclosure

cc: Megan Harrigan, Esquire  
Mr. Bruce Wilson, # 192733

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Appeal from Richland County

Honorable Clifton Newman, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

NOV 21 2013

S.C. Supreme Court

BRUCE WILSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2013-001275

\_\_\_\_\_  
MOTION FOR APPOINTMENT  
OF OUTSIDE COUNSEL  
\_\_\_\_\_

The undersigned respectfully shows the Court:

1. On January 5, 2006, Petitioner appeared before the Honorable James W. Johnson and entered a guilty plea to three counts of armed robbery as indicted. Appellate Defender Katherine Hudgins represented Petitioner on his guilty plea as plea counsel. Judge Johnson sentenced Petitioner Wilson to twenty-three years imprisonment on each charge with all to run concurrently.

2. On May 23, 2006, Petitioner filed a post-conviction relief application (PCR). Following an evidentiary hearing on August 1, 2007, the Honorable James C. Williams denied Petitioner's PCR and dismissed with prejudice.

3. On September 21, 2011, Petitioner Wilson filed a second PCR application. The state filed a return and motion to dismiss on September 30, 2011.

4. On April 16, 2012, the Honorable James R. Barber, III, issued a Conditional Order of Dismissal but gave Petitioner thirty days in which to respond. Upon receiving Petitioner Wilson's objections, Judge Barber requested that a hearing be held on Petitioner's claim of newly discovered evidence.

5. An evidentiary hearing was held on October 18, 2012 before the Honorable Clifton B. Newman. Petitioner was represented by C. Clifton Rollins, and the state was represented by Robert C. Corney.

6. Appellate Defender Katherine Hudgins testified at the PCR hearing on October 12, 2012.

7. On February 20, 2013, Judge Newman issued an order denying Petitioner Wilson's PCR application and dismissing it with prejudice. In his order, Judge Newman made a finding that plea counsel, Katherine Hudgins, was not ineffective.

8. Petitioner filed a Motion for Reconsideration Under Rule 59(e), SCRPC. The state filed a return, and an evidentiary hearing was held on April 2, 2013 before the Honorable Clifton Newman. Petitioner was again represented by Cliff Rollins.

9. On May 20, 2013, Judge Newman issued an Order denying Petitioner's Motion for Reconsideration.

10. Petitioner filed a notice of appeal which was received by the Division of Appellate Defense on June 13, 2013.

11. Because plea counsel, Katherine Hudgins, is currently employed in the Division of Appellate Defense of the Commission on Indigent Defense, appointed Appellate Defender, LaNelle DuRant, talked with Mr. Wilson to determine how he wanted to proceed with his PCR appeal. Mr. Wilson indicated that he wishes for his PCR appeal to be conflicted out of the Division of Appellate Defense due to the potential conflict. He prefers to have outside counsel appointed by this Court.

12. For the above reasons, and because this PCR appeal involves an appellate defender currently employed with the Division of Appellate Defense who was trial/plea counsel, Petitioner requests that outside counsel be appointed to handle Petitioner's PCR appeal.

13. Petitioner also requests that this case be held in abeyance pending the decision of the Court.

WHEREFORE, counsel respectfully requests this Court to determine if outside counsel should be appointed, or if an appellate defender other than Katherine Hudgins should handle this appeal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "LaNelle Cantey DuRant", is written over a horizontal line.

LaNelle Cantey DuRant  
Appellate Defender

Attorney for Petitioner

This 21st day of November, 2013.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Appeal from Richland County

Honorable Clifton Newman, Circuit Court Judge

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BRUCE WILSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

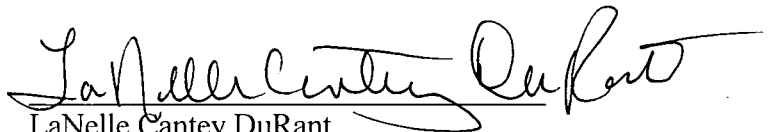
RESPONDENT.

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CERTIFICATE OF SERVICE

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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, Megan Harrigan, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Bruce Wilson, #192733 at Lee Correctional Institution, 990 Wisacky Highway, Bishopville, SC 29010, this 21st day of November, 2013.



LaNelle Cantey DuRant  
Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me  
this 21st day of November, 2013.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: July 3, 2023.