

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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MAY 19 2026

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Honorable Grace G. Koiré, Presiding Circuit Court Judge
Appellate Case No.: 2024-000567

The State of South Carolina,

Respondent,

v.

In Re Denardis J. Kilgo,

Appellant.

NOTICE OF CONFLICT
OF INTEREST

COMES NOW Appellant Denardis J. Kilgo, do hereby, moves before this Court asking for a/b) Order granting motion and notice of conflict of interest between Appellate Counsel Gary Johnson and Appellant.

The Appellant has standing that this Court has knowledge that a conflict has arose between the S.C. Commission on Indigent Defense, Appellate Division and Appellant due to failing to preserve Appellant's State and Federal Rights. *Hawkins v. Hennigan*, 185 F.3d 1146, 1152 (10th Cir. 1999) (claim of ineffective assistance on appeal is reviewed to determine whether omitted issue was meritorious if so, the Court must determine whether "Counsel's failure to raise the claim on direct appeal was deficient and prejudicial.")

FOR LEGAL USE ONLY

On April 30, 2026, Deputy Clerk Terri D. Smith, informed Appellant that this Court of Appeals received Appellant's Supplemental Brief filed ex parte on April 29, 2026. The Court found that Appellant has no right to hybrid representation and overlooked the conflict of interest whereas this Court has a duty to conduct an enquiry to determine whether Appellant's substantial rights is being denied. Also, does the deprivation of a(n) effective appellate counsel prejudice Appellant denying him of a fair presentation and a meaningful review which is a constitutional right.

On April 30, 2026, Appellate Counsel of Record, Gary H. Johnson, informed Appellant that he is stuck with the record even after put on notice of several objections on the trial court record that were strong and very heated objections where the facts have been put into evidence in this case being great pains not to have to best and waive these objections without consent of Appellant nor did Counsel investigate into those facts to change course during this appellate review where newly discovered and after-discovered evidence has surfaced prejudicing Appellant. See Trial Transcript page 480 Ln 23-25, & pg. 481 Ln 1-5.

WHEREUPON, the above legal premises the Appellant ask for a Court Order to grant substitution of counsel or enforce Rule 407, Rules of Professional Conduct, Rules 101, 102, 103, & 104.

Done This Day of May, 2026.
Respectfully Submitted,

JS

Denardis J. Kilgo
SEDE # 359897
Lieber Carr. Ldw.
Post Office Box 205
Edgeville, SC 29842

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In re Denardis Kilgo,

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PROOF OF SERVICE

I, certify that I have served the notice of Conflict of Interest on Gary H. Johnson, by depositing a copy of it in the internal mailing system at Lieber Correctional Institution, postage prepaid on May —, 2026, addressed to attorney of record Gary H. Johnson, Division of Appellate Defense, Post Office Box 11589, Columbia, SC 29211-1589.

DJ
Denardis J. Kilgo #559897
Lieber Corr Inst
Post Office Box 205
Greenville, SC 29672
Ex Parte

Denardis J. Kilgo
SEDE # 35 9897
Lieber Correctional Institute
Post Office Box 205
Lidgewille, SC 29122

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SC Court of Appeals

May 13, 2026

Clerk Terry A. Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: The State v. Denardis Kilgo
Appellate Case No.: 2024-000567

Dear Madam Kitchings :

ENCLOSED PLEASE WILL YOU FIND One (1) Ex Parte
Communication 'Notice of a) Conflict of Interest' that needs to be filed
within this Court to be considered by the three (3) Judge panel and ruled
upon. I am asking please would you file this correspondence within this office
and Court.

Yours Truly,

DJ

Denardis J. Kilgo
Ex Parte

Denardis T. Kilgo, #359892
Lieu Mex #111
Lieber Correctional Institution
Post Office Box 205
Edgeville, SC 29422

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MAY 15 2026

MAIL ROOM
LIEBER C.I.

Clerk Jerry A. Kitching
South Carolina Court of Appeals
Clerk's Office
Post Office Box 11629
Columbia, SC 29211

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