

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

The State of South Carolina,

Respondent,

v. **RECEIVED**

JUN 03 2026

In re Denardis Kigo,

SC Court of Appeals

Appellant.

MOTION TO RELIEVE COUNSEL
AND APPOINT NEW COUNSEL

COMES NOW Appellant Denardis J. Kigo, do hereby, moved before this Court asking for a(n) Order granting motion to relieve counsel and substitute counsel of record Gray H. Johnson.

The Appellant has Standing that within the record Appellant has satisfied the burden of proof that there exist a conflict of interest and grounds for Appellate Counsel to withdraw representation. The Appellant further show that he was prejudiced by misrepresentation and hindered his ability to enhance his appeal to demonstrate substantial merited claims were ignored and not raised before this Court causing the Court to reach a just decision.

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The Appellant demonstrates that he has a stake in this litigation and is held responsible to inform the Court that his rights are not being preserved. He also has the right to a(n) effective Counsel during his first initial appeal and upon his Constitutional Right to direct appeal is safeguarded to appoint a(n) effective one. See *Faretta v. California*, 95 S.Ct. 2525.

The Appellant raised properly that he have been denied adequate representation to the point of knowing how reckless Appellate Counsel of Record attempted to deny Appellant of a meaningful review then threaten the Appellant issues as unsound when clearly Counsel own admissions failed to uphold the law to which he took an oath to defend the United States Constitution both domestic, foreign and abroad while disregarding his duties and responsibilities that reach disciplinary sanctions when denying Appellant effective assistance to his defense. This interest is conducted to represent Appellant effectively in his own interest on the client's behalf and when this duty is breached the Appellate Courts does not tolerate a conscious avoidance to uphold the law and the integrity of the Court he is commissioned thereto.

The Appellant is requesting to substitute Appellate Counsel of Record and have Appellate Counsel Gary H. Johnson, Esq., withdraw representation effective immediately while permitting new counsel proceed under curative instruction to remedy the wrongdoing by previous Counsel of Record ~~of record~~.

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Appellant a fair bite of the apple in fairness as justice so required.

WHEREFORE, the Appellant Denardis T. Kilgo, respectfully ask the Court to grant Motion to restore Counsel of record, substitute Counsel, and appointment of new Counsel in favor of Appellant.

Done this 28th Day of May, 2026.
Respectfully Submitted,

D

Denardis T. Kilgo
Seal # 359892
Lieber Corr. Inst.
Post Office Box 205
Ridgeville, SC 29472
Appellant.

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Denardis J. Kilgo
Sede # 359897
Lieber Correctional Institution
Post Office Box 205
Ligeville, SC 29472

May 27, 2026

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Office of the Clerk
Post Office Box 11629
Columbia, SC 29211

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JUN 03 2026

SC Court of Appeals

V. Claire Allen, Chief Deputy Clerk
South Carolina Court of Appeals
Office of the Clerk
1220 Senate Street
Columbia, SC 29201

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

Dear Madam Kitchings:

ENCLOSED PLEASE WILL YOU FIND One (1) EX PARTE COMMUNICATED
'Motion To Relieve Counsel and Appoint New Counsel' upon submission
due to ineffective assistance of Appellate Counsel and Conflict of Interest.
I am asking please would you file this correspondence within this office
and Court and further ask for the three (3) Judge panel to
considered the merits and rule in favor of Appellant.

Yours Truly,
~~Denardis Kilgo~~
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Page 1 of 11.

Denardis J. Kilgo
Seditt# 359 897
Lieber Correctional Institution
Post Office Box 205
Ridgeville, SC 29472

May 13, 2026

Gary H. Johnson, Esquire
South Carolina Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211-1589

RECEIVED

JUN 03 2026

SC Court of Appeals

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(n) Conflict of Interest" that needs to be filed
within the Court of Appeals to be considered by the assigned 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.

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MAY 19 2026

APPELLATE DEFENSE

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
Honorable George C. Knie, Presiding Circuit Court Judge
Appellate Case No.: 20 29-000567

The State of South Carolina,

Respondent,

RECEIVED

v.

JUN 03 2026

In re Denardis Kilgo,

SC Court of Appeals Appellant.

NOTICE OF CONFLICT
OF INTEREST

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

The Appellant has standing that this Court has knowledge that a conflict has arose between the S.C. Commission on Zigent Defense, Appellate Division and Appellant due to failure 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.")

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On April 30, 2026, Deputy Clerk Jasmine 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. If so, 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 putting 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 forfeit 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 907, Rules of Professional Conduct, Rules 101, 102, 103, & 104.

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Done This — Day of May, 2026.
Respectfully Submitted,

DJ

Denardis J. Kilgo
Sede # 358897
Lieber Court, Inc.
Post Office Box 205
Ridgeville, SC 29472

RECEIVED

JUN 03 2026

SC Court of Appeals

Certificate of Service

I, Denardis Kilgo, hereby certify that on this — day of May, 2026, has served the foregoing instrument "Notice of Conflict of Interest" Upon Craig H. Johnson, at South Carolina Commission of Indigent Defense, Appellate Defense, Post Office Box 11589, Columbia, SC 29211-1589, by depositing a true copy of the same in the internal mailing system by prepaid postage

DJ

Denardis J. Kilgo,
Esquire



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1345

Wanda H. Carter, Chief Appellate Defender

May 20, 2026

Mr. Denardis Jamon Kilgo, 359897
Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472

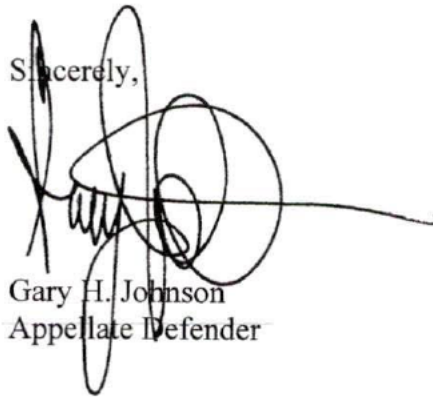
Re: Your Case

Dear Mr. Kilgo:

I am in receipt of your letters from May 12 and May 19, 2026. I am returning your original "Notice of Conflict of Interest" which I would interpret as a motion to relieve me as your attorney of record. If that was your intent, you are free to file the motion to relieve me as counsel with the appellate court as that type of motion would not be considered a *pro se* filing on the merits. The Court of Appeals should accept the filing as a motion to relieve counsel. I would suggest adding "Notice of Conflict of Interest and Motion to Relieve Counsel" as the title to your filing. Again, as we have previously discussed (several times), if our arguments on direct appeal are unsuccessful, you will be free to assert during PCR that your trial counsel was ineffective for reasons we have discussed at length (like, for example, failing to confirm the victim's DNA was not present on the glove admitted into evidence) and you can assert I was ineffective in failing to raise legal issues that were presented at trial (such as the denial of the directed verdict motion (Trial Transcript page 413 – 414). It is my opinion that there was sufficient evidence presented to deny the directed verdict motion. You certainly are within your rights to disagree with that assessment. That would be a basis for asserting ineffective assistance of appellate counsel, as the motion was made by your trial attorney and ruled upon. The appropriate avenue to address our disagreement over similar points would be through a PCR action if your direct appeal fails.

You are, of course, free to call me to discuss these matters. Again, a motion to relieve counsel is not a filing on the merits and does not fall within the prohibition on hybrid representation. You are certainly within your rights to file the motion with the appellate court if you so desire. I do not see any conflict of interest as that phrase has specific legal meaning. We have a disagreement as to how to argue the merits of your appeal, not a conflict of interest. If I am wrong on the merits of an argument that could have been presented as part of your direct appeal, that would be properly addressed at a later stage (such as PCR).

Sincerely,

A handwritten signature in black ink, appearing to be "Gary H. Johnson", written over a horizontal line. The signature is stylized and somewhat illegible.

Gary H. Johnson
Appellate Defender

GHJ/sl

Next of 11.



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1345

Wanda H. Carter, Chief Appellate Defender

February 10, 2026

Mr. Denardis Jamon Kilgo, 359897
Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472

Re: Your Case

Dear Mr. Kilgo:

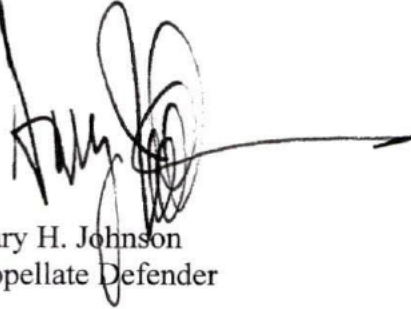
Attached please find a copy of all briefs filed in connection with your direct appeal as well as the record on appeal (the briefs cite to the record and not other transcripts). The record on appeal would not include matters during trial that are not raised or addressed in the briefs, an example would be jury selection when there has been no objection related to the jury.

You have asked me to become involved in obtaining the material from your trial counsel related to their file in anticipation of initiating PCR in the future. That is not my role. Your trial counsel will maintain copies of your Rule 5 and Brady material as well as their file material in case you do seek relief under PCR. In fact, you will waive the attorney-client privilege for that material and it will be made available to an attorney representing you through PCR as well as the attorney general's office who will contest any PCR action.

I am happy to provide you information related to your direct appeal and discuss those matters with you. At the close of the case, if a new trial is not ordered, I will provide you information on proceeding with PCR. At that stage, I will be happy to provide you some thoughts on matters you can assert based upon claims of ineffective assistance of counsel that you have raised preliminarily in the brief you forwarded to me in December (a copy of which is attached for your records). As you will have every right to assert that I was also ineffective in handling your direct appeal during any PCR matter you may file, PCR is an issue you will need to seek legal advice and direction from another lawyer. During your future PCR action (if needed), the Court will appoint counsel for you (if you are indigent and do not retain private counsel). I do not fault you for preparing in advance of the need for PCR, but my role and representation of you involves

your direct appeal. We can address and discuss potential PCR options in the future, but your focus now should be on the matters that occurred during trial as raised in the briefs.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary H. Johnson". The signature is stylized with a large, looped "G" and "J". A long horizontal line extends from the end of the signature to the right.

Gary H. Johnson
Appellate Defender

GHJ/sl

Enclosure



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1345

Wanda H. Carter, Chief Appellate Defender

November 18, 2025

Mr. Denardis Jamon Kilgo, 359897
Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472

Re: Your Case

Dear Mr. Kilgo:

Thank you for your letter. You asked a couple questions regarding certain factual issues that were raised during trial, specifically regarding the absence of blood on the gloves and the testimony about inconsistent statements regarding the QT manager. Those are important factual matters that could have (and in terms of the blood evidence were) addressed during trial. However, the appeal process does not relitigate factual matters and the conclusions that can be drawn from those factual inconsistencies. An appeal must deal with legal issues and not simply an argument that the facts are not convincing (absent a complete lack of evidentiary support for a charge at which point a directed verdict motion should be granted).

Certainly, how your attorneys have handled those factual issues may give rise to a PCR claim later, but they are not matters that are typically central to resolution of a legal issue on direct appeal. As always, I am happy to discuss the concerns and questions you have. Feel free to write me again or reach out by phone when that opportunity arises.

Sincerely,

Gary H. Johnson
Appellate Defender

GHJ/dwb



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
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Wanda H. Carter, Chief Appellate Defender

December 2, 2025

Mr. Denardis Jamon Kilgo, 359897
Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472

Re: Your Case

Dear Mr. Kilgo:

I am in receipt of your letter from November 25, 2025. My original response to your questions regarding the disputed testimony surrounding the QT video and the presence (or absence) of blood on the glove obviously did not fully address your questions. For any "prosecutorial misconduct" surrounding the QT video, we would have to go outside the record of your trial to establish that the prosecutor #1 knew the QT video testimony was going to be fabricated and #2 put the witness on the stand to provide that false testimony. Since "evidence" of that false testimony must come from outside the record of your trial, it is a matter that can ONLY be addressed during PCR. At PCR, you can subpoena the prosecutor and question them about their knowledge of the QT video issue. There is simply nothing in the record from your trial on this matter to support a direct appeal issue. Again, it is a matter you can explore at length during PCR, but not as a matter on direct appeal.

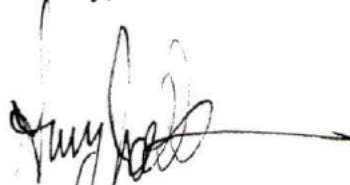
As for the blood (or lack of blood) on the gloves, that is an area where a witness claimed there was blood, but the forensic testing showed no blood. As such, the jury was free to believe the witness and assume the blood was removed after the body was buried or disbelieve the witness and find the gloves never had blood on them (or that some other gloves that were not found had blood on them as the witness claimed you wore several different pairs of gloves during the crime). Those were grey areas for the jury to sort out in reaching a verdict. Appellate courts do not weigh the evidence, they only look to see if there is any evidentiary support for actions taken by the trial judge. How your lawyer at trial handled those types of factual issues may be an area to explore on PCR, for example did he argue in closing that the jury should discredit the witness' story about the murder since she claimed there was blood on the gloves when the tests showed there was in fact no blood at all? If your lawyer failed to make proper arguments, that may be a

basis to assert ineffective assistance of counsel.

I understand fully your belief that your lawyer did not handle the issue with the QT video and the blood on the gloves well. That is no basis to alter or change the brief I have filed on your behalf. However, just like you can assert your trial lawyer was ineffective, you can at the right stage assert I was ineffective in handling these two factual issues if we are not successful in getting you a new trial on the record before the court.

Also, our office represents indigent defendants. We do not provide friends or family members with copies of lengthy court documents they can access for free electronically over C-Track and download as a pdf. They can access your court filings using your name and download all the briefs and the transcripts from your appeal at www.ctrack.sccourts.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary H. Johnson", with a long horizontal line extending to the right.

Gary H. Johnson
Appellate Defender

GHJ/dwb

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Court of General Sessions

Grace G. Knie, Circuit Court Judge

Case No.: 2024-000567

RECEIVED

JUN 03 2026

SC Court of Appeals

The State of South Carolina,

Respondent,

v.

Denardis J. Kilgo,

Appellant.

PROOF OF SERVICE

I certify that I have served the Motion to Substitute Counsel on Gary H. Johnson by depositing a copy of it in the internal mailing system of Lieber Correctional Institution, postage prepaid, on May 28th, 2026, addressed to Attorney Frederick, Gary H. Johnson, Post Office Box 11589, Columbia, SC 29211.

May 27, 2026
Date

DJ
Denardis J. Kilgo
Case # 359897
Lieber Corr. Inst
Post Office Box 205
Kingsville, SC 29178
Appellant

page 1 of 1.

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Deborah J. Kiffe, 4-359897-
L.R. - Max A.
Lieber Correctional Institution
Post Office Box 205
Ridgely, SC 29172

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JUN 03 2026

SC Court of Appeals

Levy A. Bold Kirchings, Clerk
South Carolina Court of Appeals
Office of the Clerk
Post Office Box 11629
Columbia, SC 29211

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JUN 01 2026

MAIL ROOM
LIEB.CA