

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Lexington County

Daniel McLeod Coble, Circuit Court Judge

RECEIVED

Jun 23 2026

S.C. SUPREME COURT

GREGORY LAMONT BROOKS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2026-001247

PETITION FOR APPOINTMENT OF OUTSIDE COUNSEL

Pursuant to Rule 240, SCACR, the undersigned counsel respectfully moves for this Court to appoint outside counsel to represent petitioner Gregory Lamont Brooks in his appeal from the denial of his post-conviction relief (PCR) action.

1. During the June 2015 term of the Lexington County grand jury, petitioner was indicted for the offenses of murder (2015-GS-32-01349) and possession of a weapon during the commission of a violent crime (PWDCVC) (2015-GS-32-01347). Petitioner's case was called to trial before Judge Eugene C. Griffith, Jr., and a jury on October 31, 2016. Rhonda Patterson and Lester Bell were the assistant solicitors. Aimee J. Zmroczek represented petitioner.

2. Petitioner was found guilty as indicted on November 3, 2016, and Judge Griffith

sentenced petitioner to imprisonment for a term of thirty-five (35) years incarceration as to murder and a concurrent five (5) years as to PWDCVC.

3. Petitioner's trial counsel filed a timely notice of appeal. Former Assistant Appellant Defender Susan Barber Hackett perfected petitioner's direct appeal. The following two issues were raised on direct appeal:

I. [T]he trial judge erred by instructing the jury that malice may be inferred from the use of a deadly weapon where the evidence presented would reduce, mitigate, excuse, or justify the homicide because the instruction impermissibly shifted the burden of proof to Appellant and reduced the state's burden of proving each element of the offense beyond a reasonable doubt; and

II. [T]he trial judge erred by excluding two photographs of a .22 caliber gun as irrelevant and confusing or misleading to the jury, because the photographs (1) were found by police on the phone of a patron of the bar, where the shooting occurred and who was present during the shooting, (2) showed a gun of the same caliber as the shell casings found at the scene, and (3) the owner of phone had been in communication with an official suspect in the shooting and the defense was presenting evidence of third party guilt.

On November 20, 2019, the South Carolina Court of Appeals affirmed petitioner's convictions and sentences. *State v. Brooks*, 428 S.C. 618, 837 S.E.2d 236 (Ct. App. 2019), *reh'g denied* (January 24, 2020), *cert. denied* (August 10, 2020). Subsequent petitions for rehearing and for certiorari to the Supreme Court were denied. The remittitur was issued on August 11, 2020.

4. Petitioner timely filed an application for PCR on July 26, 2021. Respondent filed a return and motion for a more definite statement on November 8, 2021, and petitioner amended his application through appointed counsel Tricia Blanchette on January 30, 2025. Petitioner's allegations included ineffective assistance of appellate counsel (Susan Barber Hackett).

5. An evidentiary hearing was held on March 6-7, 2025, at the Lexington County Courthouse before the Honorable Daniel McLeod Coble. Tricia Blanchette represented petitioner.

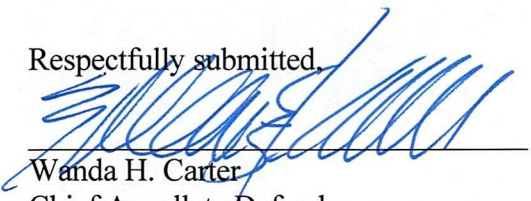
Deputy Attorney General Donald J. Zelenka represented the state. Counsel Hackett was one of eight witnesses who testified at the evidentiary hearing.

6. Judge Coble signed an Order of Dismissal denying PCR relief on March 6, 2026. Since petitioner is indigent, the South Carolina Commission on Indigent Defense Division of Appellate Defense assumed representation of petitioner.

7. On June 23, 2026, for the first time, upon assignment of the above-captioned case, Assistant Appellate Defender Jessica Saxon contacted the undersigned regarding this case and the allegation of ineffective assistance of appellate counsel Hackett. The undersigned counsel concluded that this case presents a conflict with our office; inasmuch as any staff attorney assigned to the case would be placed in the position of having to evaluate the effectiveness of another office attorney, therein giving rise to dual representation and divided loyalties. Duncan v. State, 281 S.C. 435, 315 S.E.2d 809 (1984), *citing* Cuyler v. Sullivan, 446 U.S. 335 (1990), and Zuck v. State of Alabama, 588 F.2d (5th Cir. 1979). Therefore, in order to avoid actual impropriety or the appearance of impropriety, *see* Rule 407, SCACR, the undersigned requests an Order Appointing Outside Counsel, and that this appeal be held in abeyance pending a ruling on this petition.

WHEREFORE, the undersigned counsel respectfully requests the appointment of outside counsel to represent petitioner in his PCR appeal before this Court, and that the appeal be held in abeyance pending a decision made therein.

Respectfully submitted,



Wanda H. Carter
Chief Appellate Defender

This 23rd day of June, 2026.