

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable Thomas W. McGee III

Appellate Case No. 2026-001491

Brian Daugherty #371783,

Petitioner,

v.

State of South Carolina,

Respondent.

MOTION TO WITHDRAW AS COUNSEL

This matter is before the Court on the undersigned Counsel's Motion to Withdraw as Counsel in the above-captioned case.

On January 15, 2020, Counsel was retained to represent Petitioner Mr. Brian Daugherty for post-conviction relief in the Charleston County Court of Common Pleas.

On May 26, 2026, the Honorable Thomas W. McGee III issued an Order Denying Petitioner's Application for Post-Conviction Relief. Petitioner filed a Motion to Alter or Amend Judgment pursuant to Rule 59(e), SCRCPP, and the Court issued an Order denying the motion on June 23, 2026. To comply with the appropriate procedure, Counsel filed a Notice of Appeal with this Court to protect Petitioner's rights under the South Carolina Appellate Court Rules and applicable case law.

On July 8, 2026, Counsel received the Affidavit of Indigency from Petitioner and emailed a copy to Appellate Defense that same day.

On July 22, 2026, Chief Appellate Defender Wanda Carter filed a Petition for Appointment of Outside Counsel and requested this case be held in abeyance pending a ruling on the motion.

THEREFORE, Appellant respectfully moves **to withdraw as Counsel in the above-caption case.**

Respectfully Submitted,

s/ Dayne C. Phillips
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August 18, 2026