

RECEIVED

Sep 30 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals
APPEAL FROM SPARTANBURG COUNTY

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2024-001758

The State.....Respondent

v.

Raekwon DaVonte Richardson.....Appellant.

**MOTION TO BE RELIEVED AS COUNSEL AND FOR APPOINTMENT OF
SUBSTITUTE APPELLATE COUNSEL**

J. Patrick Anderson, appointed counsel for Appellant, respectfully moves under Rule 240, SCACR, to be relieved and for the appointment of competent substitute counsel with requisite appellate knowledge and experience. In support, counsel submits the following;

1. This is a direct criminal appeal from Spartanburg County General Sessions cases 2023-GS-42-00857 and 2023-GS-42-00858. The Appellant, Mr. Richardson, is serving a life sentence with the South Carolina Department of Corrections following a conviction for Burglary First Degree. It is counsel's understanding that the appeal is in the initial briefing stage.
2. By way of Order dated August 17, 2026, this Court granted the Office of Appellate Defense's Motion to Appoint Outside Counsel due to a conflict, said conflict being that its representation might require a position contrary to one previously taken by the South Carolina Commission on Indigent Defense. The Court further Ordered that Amy Cox, the Spartanburg County Clerk of Court, appoint the next attorney on the appointment list to represent Appellant on appeal. The Clerk appointed undersigned counsel by order dated August 31, 2026. The South Carolina Appellate Case Management System reflects receipt of the Order on September 8, 2026. Counsel received the Orders, as well as other documents, from Gail Moffitt, the Spartanburg County Deputy Clerk of Court, via hand delivery on September 1, 2026.
3. Counsel's Motion is based on a lack of competence as it relates to having never practiced appellate law and having never handled an appeal, and by extension, the complexities and stakes

involved in competently and ethically representing an Appellant who is serving a life sentence. Counsel is in private practice with his law partner at Anderson & Moore, LLC. Said firm's practice focuses primarily on Family Court matters, as well as some criminal defense matters and minimal civil and business matters. By extension, counsel's private practice experience has focused almost exclusively on representing clients in the Family Court and representing clients in criminal Court, with limited civil matters. Counsel has no training and no direct experience in appellate practice. Counsel's appellate experience is limited to receiving notice of an appeal on a Common Pleas Judgment (in which counsel represented the Plaintiff) under Rule 264, at which point counsel advised client that he does not practice appellate law. As a result, the client hired appellate counsel to handle the appeal. Based on the foregoing, counsel would submit that he cannot competently, effectively, and ethically represent the Appellant. Counsel makes this request in good faith and solely to protect the Appellant's interests, which are paramount given the life sentence. Counsel would submit that the stakes for the Appellant could not be higher, due to the life sentence.

4. Counsel recognizes that lack of experience and unfamiliarity do not categorically bar an appointment, and that competence, while required, may sometimes be acquired by study, preparation, or association with experienced counsel. Under the present circumstances, however, and given the total lack of any appellate experience, counsel does not believe those measures will permit him to provide the requisite competent and effective representation that the Appellant requires; especially given the life sentence he received. Counsel requests that the Court exercise its discretion to assign an attorney equipped with appellate experience and appellate qualifications to handle an appeal from a life sentence.

5. Counsel would submit that the granting of said Motion will not prejudice the Appellant, nor will it have material adverse effects on his interests, and would further protect Appellant's interests by providing competent effective appellate representation.

MEMORANDUM OF AUTHORITIES

Rule 240(a), SCACR, governs Motions to relieve or substitute counsel. Rule 240(c) requires a memorandum with authorities and supporting affidavits or documents when the relevant facts do not appear in the record or appendix.

Rule 6.2, RPC, Rule 407, SCACR, permits an appointed lawyer to seek relief for good cause, while Comment 2 states that good cause exists if the lawyer could not handle the matter competently, and refers to Rule 1.1, RPC, Rule 407, SCACR.

Rule 1.1, RPC, Rule 407, SCACR, requires a lawyer provide competent representation to a client, which requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for representation. The comments speak to determining factors for competence being the relative complexity and specialized nature of the matter, the lawyer's general experience, the lawyer's training and experience in the field in question, and the preparation and study the lawyer is able to give the matter and whether it is feasible to refer the matter to or associate or consult a lawyer of established competence in the field in question. The comments reference required proficiency in

many instances being that of a general practitioner, but also immediately state that expertise in a particular field of law may be required in some circumstances.

Rule 1.16(a)(1), (b)(1) and (7), and (c), RPC, Rule 407, SCACR, address withdrawal when continuing would violate the rules of professional conduct or where withdrawal will not have material adverse effects on the interests of the client, or other good cause exists, subject to tribunal approval.

On the facts stated in the accompanying Motion and affidavit, counsel submits that assigning experienced appellate counsel is the sound means of protecting the Appellant's interests.

WHEREFORE, counsel respectfully requests that the Court (1) relieve him as counsel; (2) direct the Spartanburg County Clerk of Court, or another appropriate appointing authority, to appoint competent conflict-free counsel; (3) and grant such other and further relief as is just and proper.

September 30, 2026
Spartanburg, SC

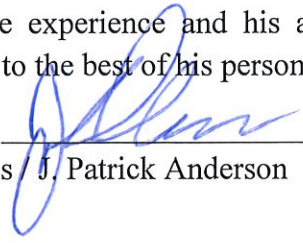
Respectfully submitted,

s/ J. Patrick Anderson
Anderson & Moore, LLC
240 Magnolia Street
Spartanburg, SC 29306
SC Bar Number 75775
864-641-6431
patrick@upstatelawsc.com
Counsel for Appellant

AFFIDAVIT OF COUNSEL

Personally appeared before me J. Patrick Anderson, who being duly sworn, states that the factual statements concerning his lack of appellate experience and his assessment of his ability to competently represent the Appellant are true to the best of his personal knowledge.

September 30, 2026.


s/ J. Patrick Anderson

Sworn to and subscribed before me
this 30 day of September, 2026.


Notary Public for South Carolina

My commission expires: 1-28-29

RECEIVED

Sep 30 2026

SC Court of Appeals

CERTIFICATE OF SERVICE

I certify that on September 30, 2026, I served a copy of this Motion and Affidavit on counsel for Respondent, Alan McCrory Wilson and Mark Reynolds Farthing via USPS mail at P.O. Box 11549, Columbia, SC 29211; to Appellant Raekwon DaVonte Richardson via USPS mail at Lee Correctional, 990 Wisacky Highway, Bishopville, SC 29010; and to Amy W. Cox, Spartanburg County Clerk of Court, via USPS mail at 180 Magnolia Street, Spartanburg, SC 29306. The Motion and affidavit were filed with the Clerk of the South Carolina Court of Appeals in the manner permitted by Rule 262, SCACR.

s / J. Patrick Anderson

cc: Amy W. Cox, Spartanburg County Clerk of Court
Raekwon DaVonte Richardson, Appellant
Alan McCrory Wilson, Respondent
Mark Reynolds Farthing, Respondent