

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM SUMTER COUNTY  
Court of General Sessions

George C. James, Jr., Circuit Court Judge

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Appellate Court Case No. 2013-002735  
Circuit Court Case No. 1999-GS-43-0756

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STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

KEVIN CHOICE,

APPELLANT.

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**MOTION TO BE RELIEVED AS COUNSEL**

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**JEREMY A. THOMPSON**  
Attorney and Counselor at Law

Law Office of Jeremy A. Thompson, LLC  
P.O. Box 12891  
Columbia, SC 29211  
(803) 779-2555  
(803) 779-2556 FAX

**ATTORNEY FOR APPELLANT**

**RECEIVED**

JAN 15 2014

**SC Court of Appeals**

NOW COMES undersigned counsel in the above-captioned action, respectfully moving this Honorable Court to relieve him as counsel for the Appellant in this appeal. In support of this motion, undersigned counsel would show unto this Honorable Court the following:

This appeal arises out of the denial of a Rule 29(b), SCRCrimP, motion. Undersigned counsel was appointed to represent the Appellant in the circuit court. Undersigned counsel, in accordance with Rules 602(e) and 264(a), SCACR, filed the notice of appeal with this Court. Undersigned counsel notified the Appellant in writing as well as in person on several occasions that he would move to be relieved as counsel if he was not retained to handle the appeal or if alternative representation was not secured. The Appellant has notified undersigned counsel that he will not be able to retain undersigned counsel's services and that he will not be able to hire another attorney to represent him on appeal. Appellate Defense has notified undersigned counsel and this Court via e-mail that it is their general practice to refuse representation of all indigent appellants from the denials of their Rule 29(b), SCRCrimP, motions.

Having taken every possible step to avoid having to move to be relieved as counsel, and having no available alternative, undersigned counsel hereby respectfully requests that this Court relieve him as counsel for the Appellant in this matter. In accordance with Rule 264(b), SCACR, undersigned counsel is serving a copy of this motion on both opposing counsel and the Appellant on today's date. Undersigned counsel would also request that the time limits for ordering the transcript from the lower court be stayed during the pendency of this motion.<sup>1</sup>

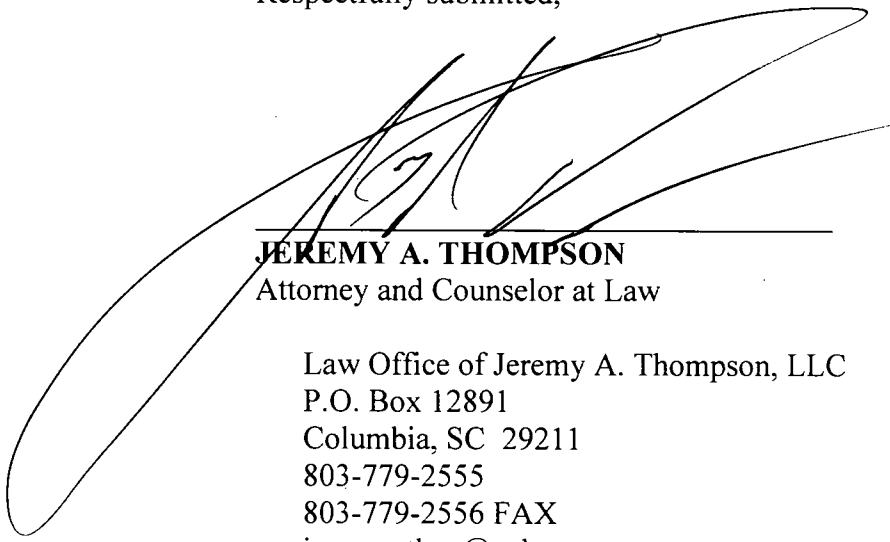
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<sup>1</sup> Undersigned counsel would note that he remains ready to represent the Appellant if appointed to do so by this Court under its authority to appoint an attorney to represent "indigent persons when the division [of Appellate Defense] ... deems it advisable that it not provide representation for the indigent person." S.C. Code § 17-3-370.

**CONCLUSION**

WHEREFORE, having set forth his grounds, undersigned counsel respectfully requests that this Court relieve him as counsel in this matter pursuant to Rule 264, SCACR.

Respectfully submitted,



**JEREMY A. THOMPSON**  
Attorney and Counselor at Law

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803-779-2556 FAX  
[jeremyatlaw@yahoo.com](mailto:jeremyatlaw@yahoo.com)

**ATTORNEY FOR APPELLANT**

This 15<sup>th</sup> day of January, 2014.

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**SC Court of Appeals**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that one copy of the Motion to Be Relieved as Counsel in the above-entitled case has been served upon opposing counsel, Salley W. Elliott, Assistant Deputy Attorney General, Office of the Attorney General, P.O. Box 11549, Columbia, SC 29211, by depositing in the U.S. mail with proper postage, this 13<sup>th</sup> day of January, 2014.

  
\_\_\_\_\_  
**JEREMY A. THOMPSON**  
ATTORNEY FOR THE APPELLANT

SWORN TO BEFORE me this 13<sup>th</sup> day  
of January, 2014

  
\_\_\_\_\_  
(L.S.)  
Notary Public for South Carolina  
My Commission Expires: 7/10/2022

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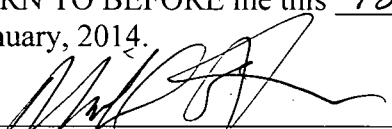
**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that one copy of the Motion to Be Relieved as Counsel in the above-entitled case has been served upon the Appellant, Kevin Choice, Lee Correctional Institution, 990 Wisacky Highway, Bishopville, SC 29010, by depositing in the U.S. mail with proper postage, this 13<sup>th</sup> day of January, 2014.

  
\_\_\_\_\_  
**JEREMY A. THOMPSON**  
ATTORNEY FOR THE APPELLANT

SWORN TO BEFORE me this 13<sup>th</sup> day  
of January, 2014.

  
\_\_\_\_\_  
(L.S.)  
Notary Public for South Carolina  
My Commission Expires: 7/1/2022



LAW OFFICE OF  
**JEREMY A. THOMPSON**  
LLC

January 13, 2014

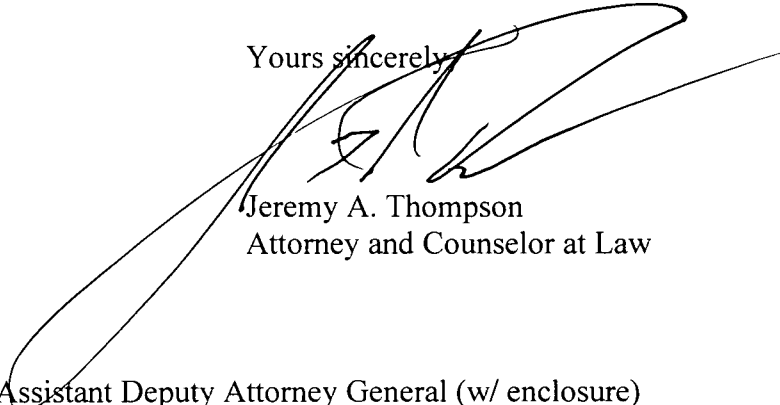
The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: State of South Carolina v. Kevin Choice; 1999-GS-43-0756  
Appellate Case No.: 2013-002735

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of my Motion to Be Relieved as Counsel in the above-captioned action. I would appreciate your filing the original and six copies, clocking the remaining copy, and returning the clocked copy to me in the enclosed self-addressed, stamped envelope. Please let me know if the Court requires anything else from me in this matter. With my thanks for your assistance in this matter and my best regards, I am,

Yours sincerely,

  
Jeremy A. Thompson  
Attorney and Counselor at Law

JAT/

Enclosures

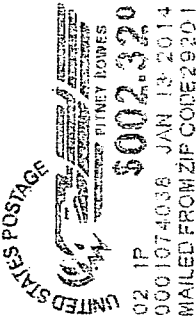
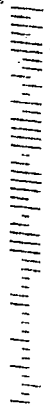
cc: Salley W. Elliott, Assistant Deputy Attorney General (w/ enclosure)  
Kevin Choice, #257223 (w/ enclosure)

**RECEIVED**

JAN 15 2014

**SC Court of Appeals**

Thompson



The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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