
The State of South Carolina

Supreme Court

Appellate Case No. 2014-000403
Lower Court Case No. 2012-CP-46-03762

♦♦♦♦

Devon Miles Brown

v.

State of South Carolina

MOTION FOR ATTORNEY ADMISSION *PRO HAC VICE*

RECEIVED

MAR 24 2014

S.C. SUPREME COURT

SYMMES W. CULBERTSON, ESQ.
701 Crescent Avenue
Greenville, South Carolina 29601
(864) 420-5995

Local Counsel for Devon Miles Brown

♦♦♦♦

South Carolina Supreme Court
Brown v. State, Case No. 2014-000403
Motion for Attorney Admission *Pro Hac Vice*

1. Symmes W. Culbertson, an attorney admitted to practice law in the State of South Carolina, on behalf of Mr. Brown, hereby moves this Honorable Court for an order granting permission for his retained counsel Dale Lionel Smith to appear in this Court *pro hac vice* to prosecute Mr. Brown's Petition for a Writ of Certiorari to review the denial of his Application for Post-Conviction Relief.

2. Mr. Brown has retained Mr. Smith as his counsel and Mr. Smith has prosecuted his appeal to the South Carolina Court of Appeals and his Application for Post-Conviction Review in the Court of Common Pleas. As such, he is fully familiar with his case before this Court. Mr. Smith is an attorney duly admitted and in good standing to practice law in the State of New York. He has more than 20 years of experience handling criminal matters including appeals and post conviction proceedings. And he has submitted to this Court and the South Carolina Supreme Court Office of Admissions the required Verified Application for Admission and paid the \$250.00 fee to the Supreme Court.

3. This motion is not meant to prejudice the parties, inconvenience the Court or delay the proceedings and there is no prejudice to the parties.

WHEREFORE, Counsel prays that this Court enters an Order granting the relief requested.

Dated: March 19, 2014

Respectfully submitted,

s/ Symmes W. Culbertson

SYMMES W. CULBERTSON, ESQ.
701 Crescent Avenue
Greenville, South Carolina 29601
(864) 420-5995

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA**

Devon Miles Brown,

Appellate Case No. 2014-000403 -
Lower Court Case No. 2012-CP-
46-03762

South Carolina Supreme Court

Plaintiff

Case No.

Court

vs.

Mailing Address of Court: P.O. Box 11330 Columbia, SC 29211

State of South Carolina

Defendant

Comes now DALE LIONEL SMITH, applicant herein, and respectfully represents the following:

1. Applicant resides at:

65 Cambridge Place

Street Address

Brooklyn

Kings

New York

11238

City

County

State

Zip Code

(718) 638-7002

Telephone

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of)

DALE LIONEL SMITH, ESQ., with offices at, at

99 Park Avenue, Suite 1600

Street Address

New York

New York

New York

10016

City

County

State

Zip Code

(212) 219-1000

Telephone

(212) 219-1044

Fax Number

3. Applicant has been retained personally or as a member of the above named law firm by Petitioner Devon Miles Brown to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.

4. Since September of 1989, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of New York where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:

Date Admitted:

Pennsylvania	February 1987	RECEIVED MAR 24 2014 S.C. SUPREME COURT
New York	September 1989	
California	February 1998	
Virgin Islands	May 2001	
U.S. District Courts Southern & Eastern District NY; Central District of California	April 1998; February 1998	
U.S. Circuit Courts of Appeals 1st , 2nd , & 3rd Circuits	July 2001; March 2007; & September 2009	
U.S. Supreme Court	October 2005	

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below:
(List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

9. Local counsel of record associated with applicant in this case is Symmes W. Culbertson, of the Symmes W. Culbertson, Attorney at Law law firm, which has offices at:

701 Crescent Avenue

Street Address

Greenville

County

(864) 420-5995

Telephone

Greenville

City

South Carolina

State

29601

Zip Code

If applicable list all other firms/attorneys you are associated with in this matter

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 19th day of March, 2014.



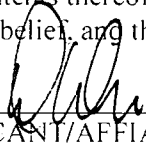
APPLICANT

VERIFICATION

STATE OF New York)

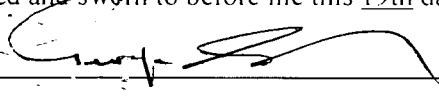
COUNTY OF New York)

I, Dale Lionel Smith, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.



APPLICANT/AFFIANT

Subscribed and sworn to before me this 19th day of March, 2014.



Notary Public for the State of New York

GEORGE SANKOH
NOTARY PUBLIC, State of New York
No. 01SA5057548
Qualified in Kings Count,
Commission Expires Mar 25, 2014

My Commission Expires: _____

LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

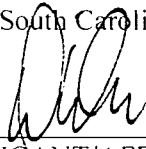
DATED this 19th day of March, 2014.

/s/ Symmes W. Culbertson

LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 19th day of March, 2014.



APPLICANT/AFFIANT



**Appellate Division of the Supreme Court
of the State of New York
Second Judicial Department**

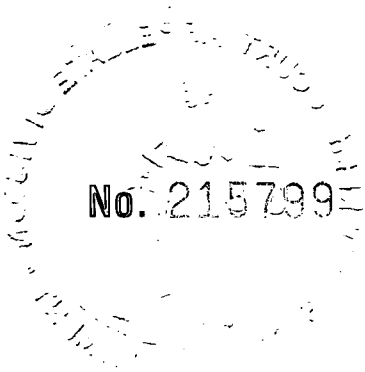
I, Aprilanne Agostino, Clerk of the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, do hereby certify that Dale Lionel Smith was duly licensed and admitted to practice as an Attorney and Counselor-at-Law in all the courts of the State, according to the laws of the State and the court rules and orders, on the 13th day of September 1989, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counselors-at-Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an Attorney and Counselor-at-Law.



In Witness Whereof, I have hereunto set my hand and affixed the seal of said Appellate Division on March 19, 2014.

Aprilanne Agostino

Clerk of the Court



The State of South Carolina

Supreme Court

Appellate Case No. 2014-000403
Lower Court Case No. 2012-CP-46-03762

♦♦♦♦

Devon Miles Brown

v.

State of South Carolina

PROOF OF SERVICE

I certify that I have served the Motion for Attorney Admission *Pro Hac Vice* on the State by depositing a copy of it with Federal Express for overnight delivery, postage prepaid on March 19, 2014 and addressed to:

ALAN WILSON
Attorney General
RUTLEDGE JOHNSON
Assistant Deputy Attorney General
P.O. Box 11549
Columbia, South Carolina
(803) 734-1867

Dated: March 19, 20124

Yours, etc.,

/s/ Symmes W. Culbertson

SYMMES W. CULBERTSON, ESQ.
701 Crescent Avenue
Greenville, South Carolina 29601
(864) 420-5995

♦♦♦♦