

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

James R. Barber, III, Circuit Court Judge

Case No. 2012-CP-40-4268
Appellate Case No. 2014-000374

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MAR - 4 2014

S.C. Supreme Court

Andrea Person, #00338104,.....Petitioner,

v.

State of South Carolina.....Respondent.

MOTION FOR OUTSIDE COUNSEL

The undersigned respectfully moves this Court for the appointment of outside counsel for the petitioner, Andrea Person, #00338104 ("Petitioner"), in the above-referenced PCR appeal and further moves to associate the Division of Appellate Defense solely for the costs of printing. This motion is based on the following:

1. Petitioner was originally tried, convicted, and sentenced to incarceration for 22 years on November 20, 2009 for homicide by child abuse which occurred on or about December 2, 1998. Petitioner was represented at trial by attorneys Douglas S. Strickler and E. Fielding Pringle of the Fifth Circuit Public Defender's Office.
2. Petitioner appealed her sentence. She was represented on direct appeal by attorney Lanelle Cantey DuRant of the South Carolina Division of Appellate Defense.

This Court affirmed. *State v. Person*, 2012-UP-068 (S.C. Ct. App. filed February 8, 2012). The Remittitur was issued on March 5, 2012.

3. Petitioner filed a timely Application for Post-Conviction Relief. The undersigned attorney was appointed in July 2012 to represent the Petitioner on her Application for Post-Conviction Relief. Respondent made its Return requesting an evidentiary hearing. Thereafter, Petitioner, through the undersigned attorney, filed an Amended Application.

4. An evidentiary hearing was held on October 2, 2013 before the Honorable James R. Barber, III at the Richland County Courthouse. Petitioner was represented by the undersigned and Thornwell F. Sowell, III at the October 2, 2013 hearing. The PCR court entered an Order of Dismissal on January 20, 2014. The undersigned counsel, on behalf of Petitioner, timely filed a notice of appeal.

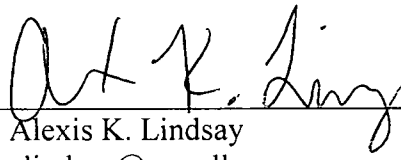
5. Undersigned counsel respectfully requests that she be appointed to represent petitioner in connection with this appeal. Outside counsel, specifically the undersigned, should be appointed because of her familiarity with and knowledge of the facts and circumstances surrounding the case, its procedural history, the parties and witnesses, and the testimony and evidence presented -- all gleaned from undersigned counsel's extensive preparation for and recent representation of petitioner at the October 2, 2013 evidentiary hearing. The appointment of the undersigned to represent the petitioner would be a more efficient use of judicial time and resources.

6. Should this Court decide to appoint outside counsel, outside counsel will be representing the Petitioner and handling the PCR appeal *pro bono*. Further, should the Court decide to appoint outside counsel, Thornwell F. Sowell, III, who also served as PCR counsel, has agreed to assist undersigned counsel in a *pro bono* capacity.

7. The undersigned further moves that this Court associate the Division of Appellate Defense solely for the cost of printing.

Respectfully, for the above reasons, undersigned counsel requests that this Court appoint her to represent Petitioner on appeal and to associate the Division of Appellate Defense solely for the cost of printing. Furthermore, counsel requests that time limits governing assembly of the appendix and filing of a petition for a *writ of certiorari* be tolled during the pendency of this motion.

SOWELL GRAY STEPP & LAFFITTE, LLC

By: 

Alexis K. Lindsay
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1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

Attorney for the Petitioner

March 4, 2014

Other Counsel of Record:

Megan Harrigan, Esquire
Assistant Attorney General
Post Conviction Relief Section
Office of the Attorney General of South Carolina
Post Office Box 11549
Columbia, South Carolina 29211-1549

Attorney for Respondent

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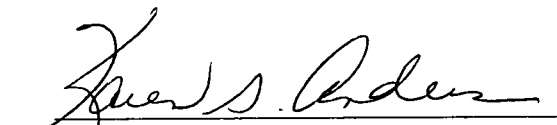
State of South Carolina.....Respondent.

PROOF OF SERVICE

I, Karen S. Anders, hereby certify that I have served upon the attorney for the Respondent one (1) copy of Petitioner's Motion for Outside Counsel in the above-captioned case by depositing a copy of same in the United States Mail, first class, postage pre-paid, addressed as follows:

Megan Harrigan, Esquire
Assistant Attorney General
Post Conviction Relief Section
Office of the Attorney General of South Carolina
Post Office Box 11549
Columbia, South Carolina 29211-1549

This the 4th day of March, 2013, in Columbia, South Carolina.


KAREN S. ANDERS

March 4, 2014

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S.C. Supreme Court

VIA HAND-DELIVERY

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
1231 Gervais Street
Columbia, South Carolina 29211

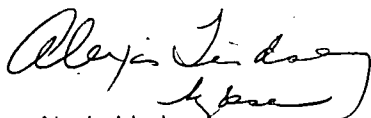
RE: Andrea Person #338104 v. State of South Carolina
Civil Action No.: 2012-CP-40-4268
Appellate Case No. 2014-000374
Our File No.: 0998/1702

Dear Mr. Shearouse:

We represent the Petitioner Andrea Person, #00338104. Enclosed please find the original and seven (7) copies of a Motion for Outside Counsel and Proof of Service. I would appreciate your filing the original as appropriate and returning a clocked-in copy via our courier.

By copy of this letter and as evidenced by the Proof of Service, I am serving a copy of same upon counsel for the Respondent.

Respectfully,



Alexis Lindsay

AKL:ksa

Enclosure

cc: Megan Harrigan, Assistant Attorney General (via U.S. Mail)
Kimberly McCall, Administrative Coordinator, South Carolina Commission on Indigent
Defense (via U.S. Mail)