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October 14, 2014

Ms. V. Claire Allen  
Deputy Clerk  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29201

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OCT 20 2014

Re: The State v. Christopher E. Russell, Appellate Case No. 2013-00038 **SC Court of Appeals**

Dear Ms. Allen:

I write to you in response to your October 7, 2014 letter regarding the scheduling of oral arguments for the above-referenced case. Unfortunately, I cannot appear at oral argument on any of the dates listed in your letter because of a work conflict.

As you know, I am handling Mr. Russell's case as a volunteer attorney through the South Carolina Appellate Project. When I originally volunteered for this project, I was an associate attorney at Katten Muchin Rosenman LLP in Charlotte, NC, but I am no longer associated with that firm. I am presently a Court Attorney for the New York State Court of Appeals in Albany, New York. I received special dispensation from the Clerk of Court to continue to represent Mr. Russell in this matter (court attorneys are generally prohibited from representing private clients, even pro bono), but I am required to be at the courthouse in Albany during each monthly session. The January 2015 session runs from January 5-16. Consequently, I have a conflict with every date listed in your letter.

I can be available for oral argument in 2015 during the weeks of February 2 and 23, and March 2, 9, 16, and 30. I hope that the Court can schedule this matter for oral argument during a week that I am able to attend. I understand that this may not be possible, and that the Court may instead decide the matter on the briefs. If the Court schedules the matter for oral argument in January, please notify me and Mr. Dudek as soon as possible. We will attempt to make alternate arrangements so that counsel for Mr. Russell is able to appear. Please call me at (919) 271-4213 if you would like to discuss this matter further.

Very truly yours,

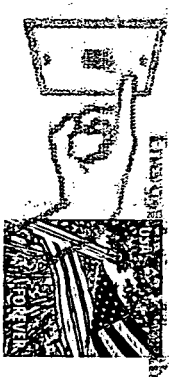


David B. Morgen, Esq.

cc: Mr. Robert M. Dudek, Esq.  
Mr. Mark R. Farthing, Esq.

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