

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
COMMON PLEAS COURT

Mark, J. Hayes, II, Circuit Court Judge

Case No. 08-CP-42-3298

Appellate Tracking No.: 2010-151195

Nathaniel Green, Petitioner,
v.
State of South Carolina, Respondent.

MOTION

Nathaniel Green hereby moves to withdraw the Johnson Petition filed by the Office of Indigent Defense and re-file a Petition for Writ of Certiorari and Supplemental Appendix.

This case was stayed to allow Green to file for Rule 60(b) relief in the circuit court. The Rule 60 motion has been ruled on and presents an appealable issue. Green has filed a Notice of Appeal from the Rule 60 order and now seeks to have that issue consolidated into this case by allowing the undersigned to file a Petition and a Supplemental Appendix to present all issues appearing in his PCR case and from his Rule 60(b) motion.

Respectfully submitted,



J. Falkner Wilkes (SC Bar #12893)
114 Whitsett Street
Greenville, SC 29601
(864) 282-1292
Counsel for Appellant/Petitioner

September 29, 2014.

Other counsel of record:
Suzanne White, Asst. Dep. Atty. Gen.
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Trial Counsel for Respondent

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CERTIFICATE

I certify that on September 29, 2014, I served the Applicant's Motion and Certificate of Service on the Respondent by placing a copy of same in the United States Mail, first class postage prepaid, addressed to counsel of record and others as indicated below:

Suzanne White, Assistant Atty. Gen.
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

Respectfully submitted,



J. Falkner Wilkes (SC Bar #12893)
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September 29, 2014

Hon. Daniel Shearouse
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

Re: Nathaniel Green v. State of South Carolina, Appellate Tracking No.: 2010-151195

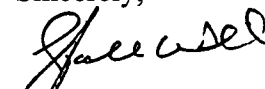
Dear Mr. Shearouse,

I represent Mr. Green. This Court held Mr. Green's case in abeyance in December 15, 2011 to allow Mr. Green an opportunity to file for relief in the circuit court under Rule 60(b). I have concluded the Rule 60(b) proceedings. I received written notice of entry of the Order on September 24, 2014.

The Rule 60(b) proceedings present an issue for inclusion in Mr. Green's case before this Court. Although it may not be necessary, I am including a Notice of Appeal relating to the Rule 60(b) matter. I am also enclosing a motion to withdraw the old *Johnson* petition which was filed by the Office of Indigent Defense and allow me to re-file his petition to include the issue from the Rule 60(b) proceedings.

I am also enclosing a copy of the transcript request from the Rule 60(b) proceedings.

Sincerely,



J. Falkner Wilkes

c:
Suzanne White, Assist. Dep. Atty. Gen.
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

RECEIVED

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S.C. SUPREME COURT