

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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**RECEIVED**

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

DEC 12 2014 Honorable R. Markley Dennis, Jr., Circuit Court Judge

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**S.C. SUPREME COURT**

Appellate Case No. 2010-161446  
Court of Appeals Opinion No. 5524

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CLIFFORD THOMPSON .....*Petitioner,*

v.

STATE OF SOUTH CAROLINA .....*Respondent.*

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**NOTICE OF APPEARANCE AND MOTION FOR SUBSTITUTION OF *PRO BONO*  
COUNSEL**

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**LINDSEY S. VANN**  
SC Bar No. 101408  
Death Penalty Resource & Defense Center  
900 Elmwood Ave., Suite 101  
Columbia, SC 29201  
(803) 765-1044  
lindsey@deathpenaltyresource.org

Counsel for Petitioner

**NOTICE OF APPEARANCE AND MOTION  
FOR SUBSTITUTION OF *PRO BONO* COUNSEL**

Clifford Thompson, the petitioner in this matter, moves by undersigned counsel for an order substituting Lindsey S. Vann to serve as *pro bono* counsel on his appeal in this Court. In support of this motion, Petitioner would respectfully show:

This is an appeal of the dismissal of a declaratory judgment action, filed in the Berkeley County Court of Common Pleas. Petitioner represented himself *pro se* in the Court of Common Pleas and then on appeal before the Court of Appeals of South Carolina. *See Thompson v. State*, 409 S.C. 386, 762 S.E.2d 51 (2014). Petitioner filed a *pro se* Petition for Writ of Certiorari with this Court on September 22, 2014, seeking review of the Court of Appeals decision which upheld the circuit court's dismissal of his declaratory judgment action. Petitioner now seeks that assistance of counsel, specifically Ms. Vann as *pro bono* counsel, in his proceedings before this Court.

Petitioner pled guilty to four counts of kidnapping and six armed robbery offenses in 2001. Pursuant to South Carolina Code section 23-3-430, and because the circuit court made no finding on the record that the kidnapping offenses did not include a criminal sexual offense, the South Carolina Department of Corrections has classified Petitioner as a sex offender. South Carolina Code section 23-3-430, in its current form, requires sex offender registration upon conviction of a kidnapping of a person over eighteen years old, "except for when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense." S.C. Code § 23-3-430(C)(15). In order to challenge his Department of Corrections classification as a sex offender, Petitioner filed a declaratory judgment action in the county of his conviction. The declaratory judgment action sought an order from the circuit court making a finding that his kidnapping offenses did not include a criminal sexual offense. Without such a

record finding, Petitioner cannot challenge his classification as a sex offender with the South Carolina Department of Corrections.

Undersigned counsel met with Petitioner about the appeal of the dismissal of his declaratory judgment action due to the fact that she represents another client raising a similar issue. Petitioner requested undersigned counsel represent him and be substituted to serve as *pro bono* counsel in this matter.

WHEREFORE, the undersigned counsel, on behalf of Clifford Thompson, hereby enters an appearance as *pro bono* counsel and requests that she be substituted as counsel for all further proceedings in this Court respecting the dismissal of Thompson's declaratory judgment action.

Respectfully submitted,

**LINDSEY S. VANN**  
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BY:  \_\_\_\_\_  
Counsel for Petitioner

December 10, 2014.

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

Honorable R. Markley Dennis, Jr., Circuit Court Judge

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**CERTIFICATE OF SERVICE**

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I, Jill Rider, hereby certify that I have served upon the attorney for the Respondent one (1) copy Petitioner's Notice of Appearance and Motion for Substitution of *Pro Bono* 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:

Alan Wilson  
John McIntosh  
South Carolina Attorney General's Office  
P.O. Box 11549  
Columbia, SC 29211-1549

This the 10th day of December, 2014, in Columbia, South Carolina

  
Jill A. Rider