

# The Supreme Court of South Carolina

Phillip Spears, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-002096

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## ORDER

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This matter is before the Court by way of a petition for a writ of certiorari from the denial of petitioner's application for post-conviction relief (PCR). Petitioner is represented by Appellate Defender Tiffany L. Butler of the Commission on Indigent Defense, Division of Appellate Defense. Ms. Butler moves for the appointment of outside counsel based on a conflict of interest. Ms. Butler asserts a conflict of interest exists because petitioner alleged in his PCR application that his appellate counsel, former Appellate Defender Celia Robinson,<sup>1</sup> was ineffective in her representation of petitioner on direct appeal and because petitioner filed a civil action against Ms. Robinson and the Division of Appellate Defense for legal malpractice. The State has not filed a return to the motion.

The motion is denied. Ms. Robinson and Mr. Stevens are no longer with the Division of Appellate Defense, and Ms. Butler was not employed by the Division of Appellate Defense at the time Ms. Robinson and Mr. Stevens were Appellate Defenders with the office.

  
C.J.  
FOR THE COURT

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<sup>1</sup> Ms. Robinson left the Division of Appellate Defense shortly after filing the appellant's brief in the Court of Appeals. Former Appellate Defender Breen Stevens then assumed representation of petitioner in the direct appeal.

Columbia, South Carolina

May 06, 2015

cc:

Megan E. Harrigan, Esquire

Tiffany Lorraine Butler, Esquire