

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CALHOUN COUNTY  
Court of Common Pleas

Maite Murphy, Circuit Court Judge

**RECEIVED**  
NOV 06 2015  
SC Court of Appeals

Case Nos. 2014-GS-09-0059, 2014-GS-09-0060, 2014-GS-09-0054, 2014-GS-09-0056,  
2014-GS-09-0057  
Appellate Case No. 2015-00569

The State, ..... Respondent,  
v.  
Bryant McKnight, ..... Appellant.

MOTION TO BE RELIEVED AS COUNSEL

Pursuant to Rule 240 of the South Carolina Rules of Appellate Procedure, undersigned counsel moves to be relieved as counsel for Appellant in the above captioned matter. Undersigned counsel was appointed as counsel in this matter by this Court's Order dated October 21, 2015, pursuant to the motion of the Division of Appellate Defense as part of the 2015 Appellate Practice Project.

A necessary predicate before undertaking this representation was for undersigned counsel to inform Mr. McKnight of the potential conflict of interest arising from the fact attorneys at his counsel's firm aid the State by prosecuting criminal domestic violence matters. Although counsel informed Mr. McKnight of this conflict promptly, it was not until quite recently that Mr. McKnight gave a definitive response, refusing to waive the potential conflict and declining to consent to representation. Despite the efforts of

undersigned counsel to explain to Mr. McKnight the nature of the potential conflict and the fact that it would not taint his representation, Mr. McKnight remained steadfast in his refusal to waive the potential conflict.

Pursuant to communication between undersigned counsel and the South Carolina Commission on Indigent Defense ("SCCID"), Robert M. Pachak, Esquire, of SCCID has expressed his willingness to undertake Mr. McKnight's representation.

In addition, undersigned counsel requests he be assigned another case to participate in the 2015 Appellate Practice Project. The undersigned counsel has spoken with Chief Appellate Defender Robert M. Dudek, and Mr. Dudek has agreed to locate another case to be assigned if the Court is inclined to grant this motion. Accordingly, pursuant to Mr. McKnight's wishes, undersigned counsel respectfully requests that this Court relieve him as Mr. McKnight's counsel and return the case to the appellate division of the office of indigent defense.

Respectfully submitted,

**Nelson Mullins Riley & Scarborough, LLP**

By: 

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ATTORNEY FOR APPELLANT

Columbia, South Carolina  
November 6, 2015

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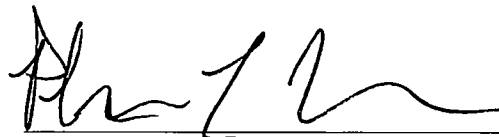
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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion to Be Relieved as Counsel in the above reference case has been served upon Salley W. Elliott, Esquire, Assistant Attorney General, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 6 day of November, 2015.



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