

RECEIVED

DEC 21 2015

THE STATE OF SOUTH CAROLINA
In The Supreme Court

S.C. Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III, Circuit Court Judge

CA No. 05-CP-18-1368
Appellate Case No. 2014-000387

KENNETH SIMMONS, SK5066, Respondent,
v.
STATE OF SOUTH CAROLINA, Appellant.

MOTION FOR ADMISSION *PRO HAC VICE* OF
CHARLES COHEN, ESQUIRE

Pursuant to Rule 404 of the South Carolina Appellate Court Rules, the undersigned counsel for Amici Curiae, The ARC of South Carolina, ABLE SC, SC AAIDD, Protection and Advocacy for People with Disabilities, Inc., and Family Connection of South Carolina, respectfully request the Court to enter an Order permitting Charles Cohen, Esquire to appear *pro hac vice* in this appeal as additional counsel for Amici Curiae, The ARC of South Carolina, ABLE SC, SC AAIDD, Protection and Advocacy for People with Disabilities, Inc., and Family Connection of South Carolina, and would show the Court as follows:

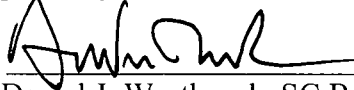
1. Charles Cohen is a member in good standing of the Bar of the State of New York. Mr. Cohen is an attorney with the law firm of Hughes Hubbard & Reed LLP, with offices at 1 Battery Park Plaza, New York, NY 10004.

2. Charles Cohen is handling this matter in association with Daniel J. Westbrook who is a member in good standing of the South Carolina Bar.

3. This motion is supported by the attached Verified Application for Admission *Pro Hac Vice* of Charles Cohen, a copy of which has been served on the South Carolina Supreme Court Office of Bar Admissions along with a \$250.00 check made payable to the South Carolina Supreme Court, pursuant to Rule 404 of the South Carolina Appellate Court Rules.

Wherefore, the undersigned counsel for Amici Curiae, The ARC of South Carolina, ABLE SC, SC AAIDD, Protection and Advocacy for People with Disabilities, Inc., and Family Connection of South Carolina, respectfully request that the Court enter an Order permitting the appearance of Charles Cohen, Esquire *pro hac vice* in this action as counsel for Amici Curiae, The ARC of South Carolina, ABLE SC, SC AAIDD, Protection and Advocacy for People with Disabilities, Inc., and Family Connection of South Carolina.

Respectfully submitted,

By: 

Daniel J. Westbrook, SC Bar No. 12939
NELSON MULLINS RILEY &
SCARBOROUGH LLP

Meridian, 17th Floor

1320 Main Street

Columbia, SC 29201

Telephone: (803) 799-2000

Facsimile: (803) 256-7500

*Attorney for Amici Curiae, The ARC of
South Carolina, ABLE SC, SC AAIDD,
Protection and Advocacy for People
with Disabilities, Inc., and Family
Connection of South Carolina*

Vilia B. Hayes
Charles Cohen
Casey S. Duffy
Hughes Hubbard & Reed LLP
1 Battery Park Plaza
New York, NY 10004
(212) 837-6839

Columbia, South Carolina

December 21, 2015

RECEIVED

DEC 21 2015

CERTIFICATE OF SERVICE

S.C. Supreme Court

I, the undersigned Administrative Assistant of the law offices of Nelson

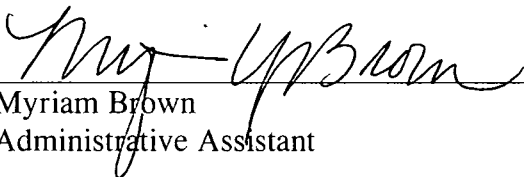
Mullins Riley & Scarborough LLP, attorneys for Amici Curiae, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Motion for Admission Pro Hac Vice for Charles Cohen

Counsel Served:

Donald J. Zelenka, Esq.
Melody Brown, Esquire
Office of the Attorney General
1000 Assembly Street, Suite 519 (29201)
Post Office Box 11549
Columbia, SC 29211


Myriam Brown
Administrative Assistant

December 21, 2015

RECEIVED

VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA

DEC 21 2015

Kenneth Simmons, SK5066

CA No. 05-CP-18-1368

Supreme Court - Appeal from Dorchester

Plaintiff

Appellate Case No. 2014-000387

County **S.C. Supreme Court**

Case No.

vs.

State of South Carolina

Mailing Address of Court:

Defendant

Comes now Charles W. Cohen, applicant herein, and respectfully represents the following:

- Applicant resides at:
5 Keats Road

Street Address Short Hills New Jersey 07078
 City 973-921-0301 County _____ State _____ Zip Code _____
 Telephone _____

- Applicant is an attorney and a member of the law firm of (or practices law under the name of) Hughes Hubbard & Reed LLP, with offices at, at One Battery Park Plaza

Street Address New York New York 10004
 City 212-837-6856 County _____ State _____ Zip Code _____
 Telephone _____ Fax Number _____

- Applicant has been retained personally or as a member of the above named law firm by See attached list to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.

- Since May of 1996, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of New York where applicant regularly practices law. Attached is a certificate of good standing.

- Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:	Date Admitted:
US District Court for the Southern District of NY	6-25-1996
US District Court for the Eastern District of NY	7-24-1996
US District Court for the Northern District of NY	4-24-2000
US District Court for the District of New Jersey	12-31-2004
US District Court for the Middle District of Florida	8-10-2012
US Court of Appeals for the Second Circuit	6-2-2000
US Court of Appeals for the Tenth Circuit	1-8-2001
US Supreme Court	8-4-2000
New York	5-8-1996
Washington, DC	10-6-1997
New Jersey	11-16-2004
Florida	4-30-2012

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below:
(List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

n/a

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

n/a

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

n/a

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

n/a

9. Local counsel of record associated with applicant in this case is Daniel J. Westbrook of the Nelson Mullins Riley & Scarborough law firm, which has offices at:

1320 Main Street, 17th Floor

Street Address
Columbia

SC

29201

City
803-255-9456

County

State

Zip Code

Telephone

If applicable list all other firms/attorneys you are associated with in this matter

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

n/a

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 16th day of December, 2016.


APPLICANT

VERIFICATION

STATE OF NEW YORK)

COUNTY OF NEW YORK)

I, Charles W. Cohen, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.

[Signature]
APPLICANT/AFFIANT

Subscribed and sworn to before me this 16th day of December, 2015.

[Signature]

Notary Public for the State of NEW YORK

My Commission Expires: JUNE 1, 2016

STEVEN SHEPPARD DICESARE
Notary Public, State of New York
No. 02DI6110913
Qualified in New York County
Commission Expires June 1, 2016

LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 18th day of December, 2015.

[Signature]
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 18 day of December, 2015.

[Signature]

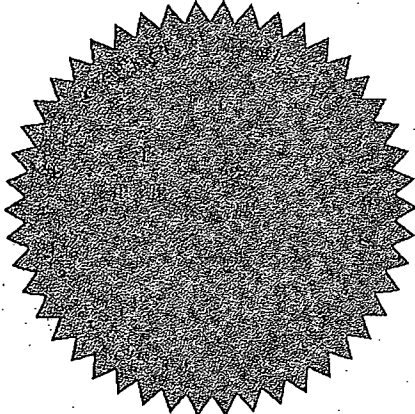
Myriam Brown
Administrative Assistant
Nelson Mullins Riley & Scarborough LLP



**Appellate Division of the Supreme Court
of the State of New York
Second Judicial Department**

I, Aprilanne Agostino, Clerk of the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, do hereby certify that **Charles William Cohen** was duly licensed and admitted to practice as an Attorney and Counselor-at-Law in all the courts of the State, according to the laws of the State and the court rules and orders, on the 8th day of **May 1996**, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counselors-at-Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an Attorney and Counselor-at-Law.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Appellate Division on December 17, 2015.



Aprilanne Agostino

Clerk of the Court