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DEC 21 2015

**S.C. Supreme Court**

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

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

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

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

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MOTION FOR ADMISSION *PRO HAC VICE* OF  
CASEY S. DUFFY, ESQUIRE

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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 Casey S. Duffy, 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:

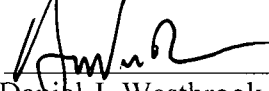
1. Casey S. Duffy is a member in good standing of the Bar of the State of New York. Mr. Duffy is an attorney with the law firm of Hughes Hubbard & Reed LLP, with offices at 1 Battery Park Plaza, New York, NY 10004.

2. Casey S. Duffy 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 Casey S. Duffy, 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 Casey S. Duffy, 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, 17<sup>th</sup> 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

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CERTIFICATE OF SERVICE

**S.C. Supreme Court**

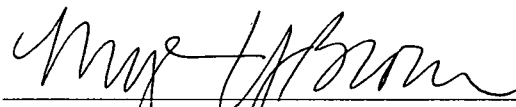
I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Amici Curiae, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail,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

Pleadings:

Motion for Admission Pro Hac Vice for Casey S. Duffy

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

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

Kenneth Simmons CA No. 05-CP-18-1368/Appellate Case No. 2014-000387 Supreme Court of South Carolina  
Plaintiff Case No. Court

vs.

State of South Carolina Mailing Address of Court: 1231 Gervias St.  
Defendant Columbia, SC 29201

Comes now Casey S. Duffy, applicant herein, and respectfully represents the following:

1. Applicant resides at:

254 Front St. Apt 6A  
 Street Address  
New York New York NY 10038  
 City County State Zip Code  
917-941-2169  
 Telephone

2. 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

1 Battery Park Plaza  
 Street Address  
New York New York NY 10004  
 City County State Zip Code  
212-837-6371 212-299-6371  
 Telephone Fax Number

3. Applicant has been retained personally or as a member of the above named law firm by The Arc of South Carolina, Able SC, SCAAIDD, et al. to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.

4. Since March of 2015, 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.

5. 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:
State Court of New York - Second Department	March 2, 2015

3. ARC of South Carolina  
ABLE SC  
SC AAIDD  
Protection and Advocacy for People with Disabilities, Inc.  
Family Connection of South Carolina

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 Dan Westbrook, of the Nelson Mullins Riley & Scarborough LLP law firm, which has offices at:

1320 Main Street

Street Address

Columbia

Richland

SC

29201

City

County

State

Zip Code

803-799-2000

Telephone

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

Vilia B. Hayes and Charles W. Cohen of Hughes Hubbard & Reed, LLP

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, 2015.

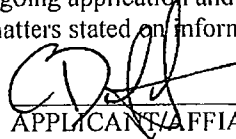
  
APPLICANT

VERIFICATION

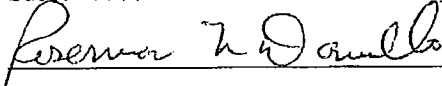
STATE OF New York )

COUNTY OF New York )

I, Casey S. Duffy, 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.

  
APPLICANT/AFFIANT

Subscribed and sworn to before me this 17<sup>th</sup> day of December, 2015.

  
\_\_\_\_\_

Notary Public for the State of New York


My Commission Expires: 3/24/19

ROSEMARIE M. DANIELLO  
Notary Public, State of New York  
No. 01DA6089480  
Qualified in Nassau County  
Commission Expires March 24, 2019

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 18<sup>th</sup> day of December, 2015.

  
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.

  
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Myriam Brown  
Administrative Assistant

Neison Mullins Riley & Scarborough LLP  
Ison

Appellate Division of the Supreme Court  
of the State of New York  
First Judicial Department

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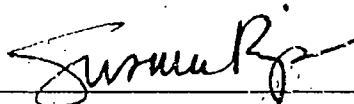
I, Suzanna Rojas, Clerk of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, certify that

**CASEY SCOTT DUFFY**

was duly licensed and admitted to practice as an Attorney and Counsellor at Law in all the courts of the State of New York on March 2, 2015, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counsellors 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 counsellor at law.

In Witness Whereof, I have hereunto set my  
hand and affixed the seal of this court on

November 16, 2015



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Clerk of the Court