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MAR 11 2016

SC SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

DeAndrea G. Benjamin, Circuit Court Judge

Case Nos. 2012GS1040032 and 2012GS1040033

The State, Respondent,

v.

Brett D. Parker, Petitioner.

**PETITION TO WITHDRAW AND
TO HOLD PROCEEDINGS IN ABEYANCE**

Pursuant to Rules 240 and 264, SCACR, Counsel for Petitioner moves this Court for an order permitting Counsel to withdraw from representation of Petitioner, Brett D. Parker. The South Carolina Court of Appeals affirmed Mr. Parker's direct appeal, *State v. Parker*, 2015-UP-574 (S.C. Ct. App. filed Dec. 30, 2015), and subsequently denied his Petition for Rehearing. *State v. Parker*, Order (S.C. Ct. App. filed Feb. 19, 2016). The Petition for Writ of Certiorari is therefore due March 20, 2016. Rule 242(c), SCACR.

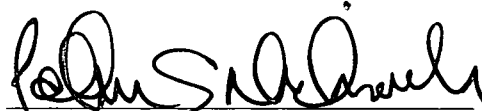
Mr. Parker engaged current counsel to assist him with a direct appeal only. He is without sufficient resources to pay counsel to continue representation for seeking review by this Court. Mr. Parker will file an Affidavit of Indigency with the Division of Appellate Defense of the South Carolina Commission on Indigent Defense. Chief Appellate Defender Robert M. Dudek will evaluate Mr. Parker's application once it is received. Mr. Dudek will make an indigency determination and will immediately advise

this Court.

Accordingly, current counsel requests that the Court grant the following relief:

- A. Enter an order permitting John D. Delgado, John S. Nichols and Ernest L. Dessausure to withdraw from further representation of Mr. Parker;
- B. Enter an order holding the proceedings in abeyance until Mr. Dudek makes a determination on Mr. Parker's indigency application;
- C. Order that the deadlines for seeking a writ of certiorari to review the Court of Appeals' opinion will begin once Mr. Dudek advises this Court whether Appellate Defense will accept Mr. Parker's case so as to give new counsel an adequate opportunity to evaluate the desire of seeking further review of the Court of Appeals' decision;
- D. Order that the provisions of this Court's administrative order of July 16, 2014, regarding requests for extensions in cases filed under Rule 242, will apply only after Mr. Dudek advises this Court regarding his indigency determination.

Respectfully submitted,



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March 11, 2016

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SC SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

DeAndrea G. Benjamin, Circuit Court Judge

Case Nos. 2012-GS-10-40032 and 2012-GS-10-40033
Op. No. 2015-UP-574

Appellate Case No. 2013-001238

The State, Respondent,

v.

Brett D. Parker, Appellant/Petitioner.

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below he served the

Petition to Withdraw and Hold Proceedings in Abeyance upon the following:

- A. Alan M. Wilson, Esquire
W. Edgar Salter, III, Esquire
John W. McIntosh, Esquire
Daniel E. Johnson, Esquire
S.C. Attorney General's Office
P.O. Box 11549
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Attorneys for Respondent

BY HAND DELIVERY AND ELECTRONIC MAIL

- B. Brett D. Parker
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Appellant/Petitioner

BY UNITED STATES MAIL WITH FIRST CLASS POSTAGE PREPAID

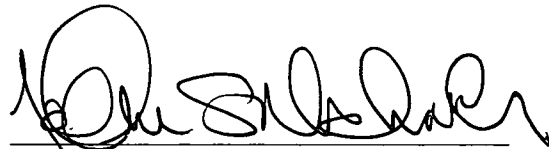
C. Robert M. Dudek
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D. The Honorable Jenny Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
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BY HAND DELIVERY

March 11, 2016



John S. Nichols
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