

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Kershaw County

James R. Barber III, Circuit Court Judge

RECEIVED

MAY 03 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

ERNEST MAURICE ALLEN,

APPELLANT

Appellate Case No. 2014-000165

MOTION TO BE RELIEVED AS COUNSEL

Counsel for Ernest Maurice Allen moves to be relieved as counsel. In support of this motion, Counsel states:

1. On October 3, 2014, Chief Appellate Defender Robert Dudek moved this Court to appoint Thomas Bouchette as lead counsel in this case as part of the 2014 Appellate Practice Project. On October 7, 2014, this Court appointed Mr. Bouchette as lead counsel and Mr. Dudek as co-counsel. Hereinafter, Mr. Bouchette and Mr. Dudek will be referred to collectively as "Counsel."

2. On January 6, 2015, Counsel filed the Initial Brief of Appellant and Designation of Matter. On April 22, 2015, Respondent filed the Initial Brief of Respondent and Designation of

Matter. The Record on Appeal was filed on June 22, 2015. Counsel filed Final Brief of Appellant on July 16, 2015, and Respondent filed the Final Brief of Respondent on July 15, 2015.

3. This Court heard argument on February 2, 2016.

4. On April 6, 2016, this Court issued an unpublished opinion affirming Appellant's conviction. State v. Ernest Allen, 2016-UP-135 (S.C. Ct. App. filed April 6, 2016).

5. On April 11, 2016, Counsel sent Appellant a letter informing him of this Court's opinion, advising him that our office would be closing his case, and informing him of the rights and time limits associated with an application for post-conviction relief. In short, Counsel would not seek additional relief through the direct appeal process on Appellant's behalf.

6. On April 22, 2016, Appellant filed a *pro se* petition for rehearing.

7. Counsel received notice of the petition for rehearing by way of letter from Mark Farthing, the attorney for the Respondent, on April 29, 2016.

8. After inquiry, the Clerk's Office indicated that they would also like Counsel to file a formal Motion to Withdraw. In compliance with the Clerk's request, Counsel is filing the instant motion.

9. This motion is made in good faith. Counsel has not asked opposing counsel to consent.

10. Counsel understands that Appellant intends to proceed *pro se* or obtain additional counsel. If the Court grants the instant motion, Counsel respectfully requests this Court allow Appellant to re-file his prior *pro se* petition for rehearing.

Wherefore, Thomas Jarrett Bouchette and Robert M. Dudek, Counsel for Ernest Maurice Allen, move to be relieved as counsel.

Respectfully submitted,

Susan B. Hackett for
Robert M. Dudek
Chief Appellate Defender
1330 Lady Street, Ste. 401
Columbia, S.C. 29201
803-734-1330

Susan B. Hackett for
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803-248-7135

ATTORNEYS FOR APPELLANT

This 3rd day of May, 2016

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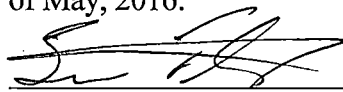
CERTIFICATE OF SERVICE

I certify that a true copy of the motion to be relieved in this case has been served on Jennifer Ellis Roberts at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Ernest Maurice Allen, #310134, at McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899, this 3rd day of May, 2016.

Susan B. Hackett for
Robert M. Dudek
Appellate Defender

ATTORNEY FOR APPELLANT

SWORN TO BEFORE ME this 3rd day
of May, 2016.



(L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2022.