

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

APPEAL FROM CHARLESTON COUNTY  
Court of General Sessions

JUL 29 2016

The Honorable Deadra L. Jefferson, Presiding Judge

**SC Court of Appeals**

Appellate Case No. 2016-001487

The State,

Respondent,

v.

Ashante Ishmael Wright,

Appellant.

MOTION TO WITHDRAW AS COUNSEL FOR APPELLANT

THIS MOTION comes before the Court of Appeals as a motion to withdraw as counsel for the above captioned Appellant as attorney of record and to be relieved of any obligation to represent the Appellant in this case. This Motion is made pursuant to the Rule 264(b), of the South Carolina Appellate Court Rules.

The basis of this Motion is that attorney was appointed to represent Appellate on August 14, 2014, upon order of the Honorable Roger Young pursuant to Rule 608 of the SCACR indigent defense contract with the South Carolina Commission on Indigent Defense (SCCID). The appointment was to pursue, on behalf of the Appellant, a Rule 29(b), SCRCrimP motion for new trial based on after discovered evidence. The decision to contract the case was because of a perceived conflict with the Charleston County Public Defender's office. This motion was subsequently investigated and pursued by this attorney.

Upon issuance of an Order Denying Defendant's Motion For A New Trial Based Upon After Discovered Evidence, and at the request of the Appellant, the Law Firm of Russell D. Hilton, Attorney at Law, LLC filed a timely notice and Motion for Appeal, along with a request that South Carolina Appellate Defense continue the representation on Appeal. The filing of this notice and Motion for

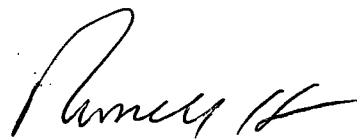
Appeal is required by the contract previously held with Indigent Defense. Upon filing and forwarding the request to Appellate Defense, attorney received a letter that was composed by Paula Murdoch of SCCID indicating that Appellate Defense does not handle appeals from denial of a Rule 29(b), SCRCrimP. Motion. That letter was dated July 19, 2016 and received on July 22, 2016.

Because this attorney does not handle cases before the Appellate Courts of South Carolina and because the contract of representation with SCCID does not include representation on appeal, attorney is respectfully seeking permission to withdraw from representation on appeal and any further obligation on this case. Attorney further requests that the Appellant's deadlines be extended to allow Appellant to seek private counsel or to proceed *pro se* in that Appellant, nor his attorney, were expecting indigent defense to reject representation of the Appellant on Appeal.

Therefore, for justifiable cause, as outlined above, the undersigned respectfully request to withdraw as counsel for Appellant and that Appellant be given a reasonable extension of time to seek further representation or proceed *pro se*.

July 26, 2016

Respectfully Submitted,



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Russell D. Hilton, SCB 73945  
104 S. Pine Street  
Summerville, South Carolina 29483  
(843) 376-5524  
Attorney for Appellant

Other Counsel of Record:

Alan M. Wilson, Attorney General  
D. Bruce DuRant, Assistant Solicitor  
John Benjamin Aplin, Esquire  
Robert Michael Dudek, Esquire  
Ashante Ishmael Wright, Appellant

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PROOF OF SERVICE

**PERSONALLY APPEARED** before me, Elizabeth Hilton, who first being duly sworn, deposed and says:

That on the 26<sup>th</sup> day of July, 2016, she served a copy of the MOTION TO WITHDRAW AS COUNSEL FOR APPELLANT on the following names by depositing a copy of it in the United States Mail, postage prepaid, addressed to:

Jenny Abbott Kitchings, Clerk  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Alan M. Wilson, Attorney General &  
John Benjamin Aplin, Esquire  
P.O. Box 11549  
Columbia, SC 29211

D. Bruce Durant, Assistant Solicitor  
101 Meeting Street, 4<sup>th</sup> Floor  
Charleston, SC 29401


Robert M. Dudek, Esquire  
SC Commission on Indigent Defense  
P.O. Box 11589  
Columbia, SC 29211

Ashante Ishmael Wright, Appellant  
SC Department of Corrections (Inmate #00326386)  
Lieber Correctional Institute  
P.O. Box 205  
Ridgeville, SC 29472



Elizabeth Hilton  
104 S. Pine Street  
Summerville, South Carolina 29483  
(843) 376-5524

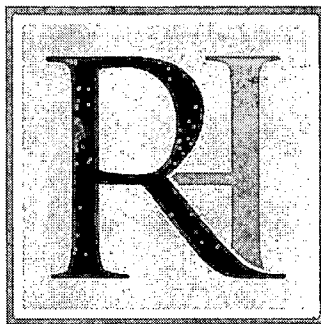
**SWORN** to before me this  
26th day of July, 2016.



Print Name: Russell D. Hilton  
My commission expires: 5/18/2020  
Notary Public for South Carolina

Mailing Address:  
Post Office Box 233  
Ridgeville, SC 29472

Phone: 843.376.5524  
Facsimile: 843.376.5526



Russell D. Hilton  
Attorney at Law, LLC

Physical Address:  
104 South Pine Street  
Summerville, SC 29483

Licensed in South Carolina  
State and Federal Courts  
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SC Court of Appeals

July 26, 2016

Jenny Abbott Kitchings, Clerk  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RE:** State of South Carolina v. Ashante Ishmael Wright  
Appellate Case No. 2016-001487

Dear Clerk:

Enclosed please find the original and a copy of the Motion to Withdraw as Counsel for Appellate and Certificate of Service for the above referenced matter. Please file the original and return the certified copy in the self addressed stamped envelope provided.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Russell D. Hilton, SCB 73945  
104 S. Pine Street  
Summerville, South Carolina 29483  
(843) 376-5524  
Attorney for Appellant

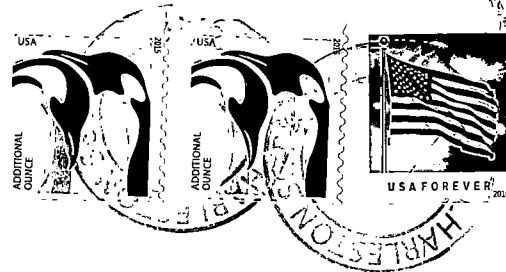
Enclosures

cc: Ninth Circuit Solicitor's Office, Appellant, SC Attorney General's Office, SCCID



Russell D. Hilton, Attorney at Law, LLC

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Summerville, South Carolina 29483



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