

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

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OCT 24 2016

S.C. SUPREME COURT

CERTIORARI TO ORANGEBURG COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Appellate Case No. 2016-001449

Kentrell Liburd, #357498 Petitioner

v.

State of South Carolina, Respondent,

**MOTION TO RELIEVE AND SUBSTITUTE COUNSEL AND
WITHDRAW *JOHNSON* PETITION**

Pursuant to Rule 224, SCACR, the undersigned, by and with the consent of the Petitioner, Kentrell Liburd, hereby moves this Honorable Court for an Order Relieving and Substituting Counsel and Withdrawing the *Johnson* Petition filed in this matter. The undersigned would respectfully show this Honorable Court as follows:

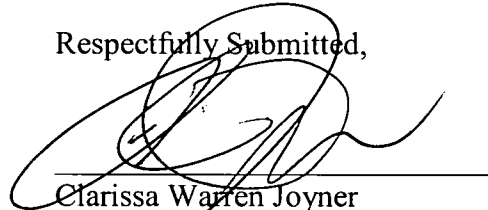
1. Petitioner is represented by Lara M. Caudy, Appellate Defender of the South Carolina Office of Appellate Defense. She was appointed to represent Petitioner.
2. Lara M. Caudy, Appellate Defender, has pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), briefed an arguable legal issue, and moved to be relieved as counsel for Petitioner. Ms. Caudy asserted that, in her opinion, seeking certiorari from the order of dismissal is without merit.

3. Petitioner wishes to substitute Clarissa Warren Joyner as his counsel in this matter, and withdraw the Johnson Petition filed by Lara Caudy, Esquire on Petitioner's behalf.

4. The undersigned, Clarissa Warren Joyner, consents to serve as substituted counsel for Petitioner in this matter, and from a cursory review of the records and transcript of Petitioner's post-conviction relief hearing, she is of the opinion that there are material facts and principles of law that have been disregarded or overlooked which would render seeking certiorari from the order of dismissal meritorious. Moreover, Clarissa Warren Joyner is of the opinion that Petitioner has viable appellate issues, and given additional time to adequately present those issues for the Court's review, Petitioner's appeal will not be frivolous or a waste of the Court's time.


WHEREFORE, the undersigned counsel, by and with the consent of the Petitioner, moves for an Order Relieving Lara M. Caudy, Appellate Defender, as his counsel, and substituting Clarissa Warren Joyner as his counsel in this matter, and further moves that the *Johnson* Petition filed in this matter by Lara M. Caudy be withdrawn.

Respectfully Submitted,



Clarissa Warren Joyner
1259 Amelia Street, Suite A
Orangeburg, SC 29115
(803) 534-8393 Telephone
(803) 534-7885 Facsimile

I CONSENT:



Kentrell T. Liburd, Inmate#357498
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210
PETITIONER

Orangeburg, South Carolina
October 24, 2016

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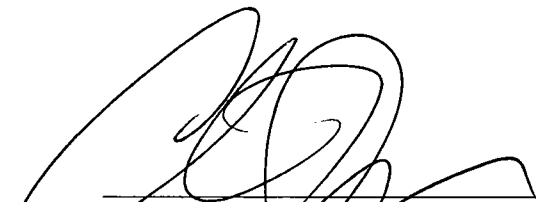
Kentrell Liburd, #357498 Petitioner

v.

State of South Carolina, Respondent,

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the of the Motion to Relieve and Substitute Counsel and Withdraw *Johnson* Petition in this case have been served on Kentrell T., Liburd, #357498, at Broad River Correctional Institution, by mailing in an envelope properly addressed with postage prepaid on this 24th day of October 2016.


Clarissa Warren Joyner
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Orangeburg, SC 29115
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Clarissa Warren Joyner

Attorney at Law

1259 Amelia Street, Suite A ~ Orangeburg, South Carolina 29115
Phone (803) 534-8393 ~ Facsimile (803) 534-7885 ~ Email cjjoynerlaw@aol.com
October 24, 2016

Via Hand-Delivery
Honorable Daniel E. Shearouse
Supreme Court of South Carolina
Clerk of Court
Post Office Box 11330
Columbia, South Carolina 29211

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S.C. SUPREME COURT

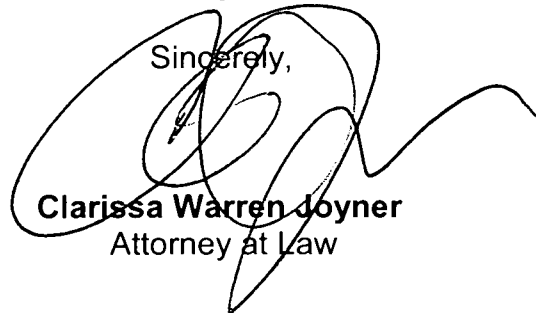
Re: Kentrell Liburd, #357498 v. State of South Carolina
Case No.: 2016-001449

Dear Mr. Shearouse:

Enclosed herewith please find a **Motion to Relieve and Substitute Counsel and Withdraw *Johnson* Petition** in regards to the above-referenced case for filing. Please file the original and six (6) copies of the motion along with the attached Certificates of Service, and return a copy for my records.

Thank you for your assistance. With kind regards, I am

Sincerely,



Clarissa Warren Joyner
Attorney at Law

CWJ/jb
Enclosures
cc: Kentrell Liburd#357498