

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Appeal from Richland County

Honorable James R. Barber, III, Circuit Court Judge

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APR 30 2012

S.C. Supreme Court

QUANDELLE J. WILSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

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MOTION FOR APPOINTMENT  
OF OUTSIDE COUNSEL

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The undersigned respectfully moves this Court for the appointment of outside counsel for Petitioner, Quandelle J. Wilson, based on a conflict of interest. In support of this motion, the undersigned asserts the following:

- (1) Petitioner was convicted of voluntary manslaughter on September 21, 2009, pursuant to a negotiated plea, and sentenced to twenty-five years imprisonment.
- (2) Plea counsel for petitioner filed a Notice of Appeal at the request of petitioner, and complied with the procedures detailed in Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules.
- (3) The Court of Appeals dismissed Petitioner's direct appeal by an order on November 11, 2009, and remittitur was sent on December 12, 2009.

(4) Petitioner subsequently filed an application for post-conviction relief, 2010-CP-40-00045, on January 6, 2010, and a hearing was held July 7, 2011, before the Honorable James R. Barber, III.

(5) At the PCR hearing, Petitioner's PCR counsel, Jeremy A. Thompson, asserted ineffectiveness of plea counsel for failure to challenge the constitutionality of Rule 203(d)(1)(B)(iv), SCACR, pursuant to Halbert v. Michigan, 545 U.S. 605(2005), as well as the Due Process and Equal Protection clauses of the United States Constitution.

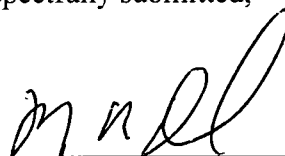
(6) Judge Barber's order of dismissal was filed on August 22, 2011, which made specific findings regarding this issue and denied relief on this basis.

(7) On September 7, 2011, PCR counsel filed a notice of appeal based upon Judge Barber's Order.

(8) Undersigned counsel submits that a successful result on the issue regarding the unconstitutionality of Rule 203(d)(1)(B)(iv), SCACR, would result in a vast increase in the caseload managed by his office. It is also materially and fundamentally at odds with the interests of the undersigned's office given the current extremely heavy caseload already handled by this office. This Court also relieved this office -- at our respectful request -- of the duty of briefing appeals from guilty pleas and since petitioner is asking this Court to reinstate that process an attorney outside of this office respectfully should advocate that position.

Accordingly, the undersigned respectfully requests this Court hold petitioner's case in abeyance until outside counsel is appointed by this Court for Petitioner.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

Attorney for Petitioner

This 30th day of July, 2011

STATE OF SOUTH CAROLINA

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QUANDELLE J. WILSON,

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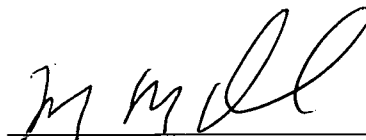
RESPONDENT

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CERTIFICATE OF SERVICE

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The undersigned attorney hereby certifies that a true copy of the Motion for Appointment of Outside Counsel in the above referenced case has been served upon opposing counsel, Rob Corney, Esquire, this 30th day of April, 2012.

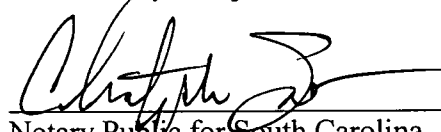


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Robert M. Dudek  
Chief Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me  
this 30th day of April, 2012.



(L.S.)  
Notary Public for South Carolina  
My Commission Expires: May 11, 2021