

STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM SUMTER COUNTY  
Court of General Sessions

George C. James, Jr., Circuit Court Judge

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Appellate Case No. 2013-002735  
Circuit Court Case No. 1999-GS-43-00756

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**RECEIVED**

JUN 02 2017

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

KEVIN CHOICE,

PETITIONER.

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**MOTION TO BE RELIEVED AS COUNSEL**

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**JEREMY A. THOMPSON**  
Attorney and Counselor at Law

Law Office of Jeremy A. Thompson, LLC  
P.O. Box 12891  
Columbia, SC 29211  
(803) 779-2555  
(803) 779-2556 FAX

**ATTORNEY FOR PETITIONER**

NOW COMES undersigned counsel in the above-captioned action, respectfully moving this Honorable Court to relieve him as counsel for the Petitioner in this appeal. In support of this motion, undersigned counsel would show unto this Honorable Court the following:

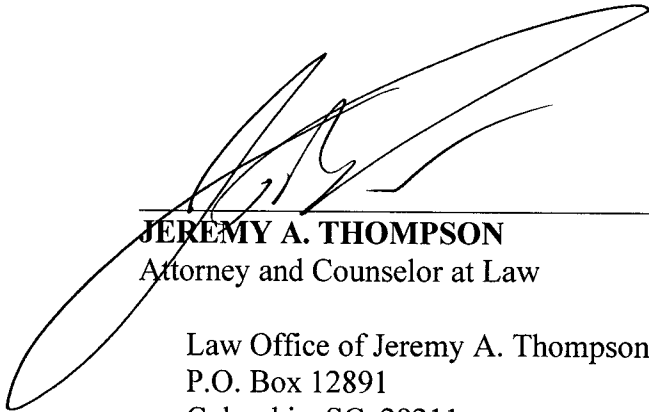
This appeal arises out of the denial of a Rule 29(b), SCRCrimP, motion. Undersigned counsel was retained to represent the Appellant in an appeal to the Court of Appeals but not to this Court. Furthermore, undersigned counsel's retainer fee was paid; however, only one minimal payment was made subsequently to the retainer despite undersigned counsel's repeated warnings, both in writing and in person, to the Petitioner that he would move to be relieved as counsel if the fee was not paid in full.

The Court of Appeals affirmed the circuit court's ruling in an opinion filed March 8, 2017. See State v. Choice, Op. No. 2017-UP-109 (S.C. Ct. App. filed March 8, 2017). The Petitioner timely filed for rehearing, which was denied on May 1, 2017. The Petitioner has the option to pursue an appeal to this Court. In order to preserve the Petitioner's right to do so, undersigned counsel respectfully requests that this Court relieve him as counsel and permit the Petitioner to proceed either *pro se* or through another attorney. In accordance with Rule 264(b), SCACR, undersigned counsel is serving a copy of this motion on both opposing counsel and the Petitioner on today's date. Undersigned counsel would also request that the time limits for filing the certiorari petition and appendix be stayed pending the resolution of this motion.

**CONCLUSION**

WHEREFORE, having set forth his grounds, undersigned counsel respectfully requests that this Court relieve him as counsel in this matter pursuant to Rule 264, SCACR.

Respectfully submitted,



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**JEREMY A. THOMPSON**  
Attorney and Counselor at Law

Law Office of Jeremy A. Thompson, LLC  
P.O. Box 12891  
Columbia, SC 29211  
803-779-2555  
803-779-2556 FAX  
[jeremyatlaw@yahoo.com](mailto:jeremyatlaw@yahoo.com)

**ATTORNEY FOR PETITIONER**

This 31<sup>st</sup> day of May, 2017.

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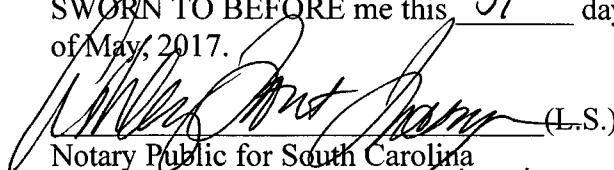
**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that one copy of the Motion to Be Relieved as Counsel in the above-entitled case has been served upon the Petitioner, Kevin Choice, #257223, Lee Correctional Institution, 990 Wisacky Highway, Bishopville, SC 29010, by depositing in the U.S. mail with proper postage, this 31<sup>st</sup> day of May, 2017.

  
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**JEREMY A. THOMPSON**  
ATTORNEY FOR THE PETITIONER

SWORN TO BEFORE me this 31<sup>st</sup> day  
of May, 2017.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: 2/22/18

**RECEIVED**

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S.C. SUPREME COURT

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STATE OF SOUTH CAROLINA,

RESPONDENT,

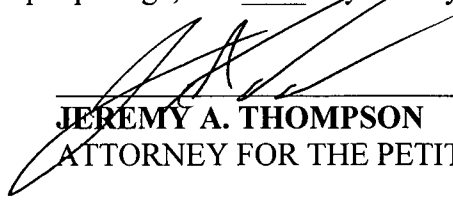
v.

KEVIN CHOICE,

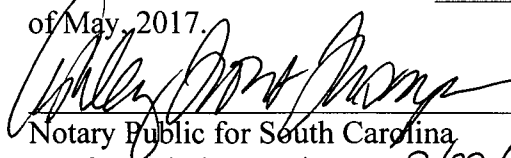
PETITIONER.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that one copy of the Motion to Be Relieved as Counsel in the above-entitled case has been served upon opposing counsel, Donald J. Zelenka, Senior Assistant Deputy Attorney General, Office of the Attorney General, P.O. Box 11549, Columbia, SC 29211, by depositing in the U.S. mail with proper postage, this 31<sup>st</sup> day of May, 2017.

  
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**JEREMY A. THOMPSON**  
ATTORNEY FOR THE PETITIONER

SWORN TO BEFORE me this 31<sup>st</sup> day  
of May, 2017.

  
\_\_\_\_\_  
(L.S.)  
Notary Public for South Carolina

My Commission Expires: 2/22/18