

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY  
COURT OF COMMON PLEAS  
Hon. Letitia H. Verdin, Circuit Court Judge

**RECEIVED**  
JUL 13 2018  
SC Court of Appeals

Appellate Case No.: \_\_\_\_\_  
Circuit Court Case No. 2016-CP-42-04147

Jon Payne, ..... Appellant,

v.

Victoria T. Payne, ..... Respondent.

MOTION TO WITHDRAW  
AS COUNSEL OF RECORD

Pursuant to Rule 264, SCACR, J. Falkner Wilkes hereby moves the  
Court to allow his withdrawal from the appeal of this case on the following  
grounds:

Counsel's agreement of representation does not extend to or include  
an appeal to the Court of Appeals. After the issuance of the Order dated  
March 28, 2018, the Appellant indicated that he did not desire to engage  
Counsel to take any further action after the March 28, 2018, Order and

expressly discharged Counsel.

Subsequently, without notice to Counsel, the Appellant filed a pro se document which the circuit court construed as a post trial motion.

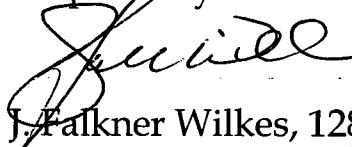
Subsequent to the issuance of an Order on Jun 22, 2018, denying the Appellant's pro se motion, Appellant informed Counsel that he intends to file a notice of appeal pro se. Appellant specifically requested Counsel to notify the Court that the Appellant had discharged Counsel so that the Appellant could effectively exercise his right to proceed pro se.

Recognizing the Appellant's right to discharge counsel and proceed pro se, combined with Counsel's obligations under Rule 264, SCACR, Counsel has assisted Appellant in the preparation of his pro se Notice of Appeal, and files this Motion to allow his withdrawal from the appeal of the case.

Counsel submits that he has just cause for withdrawal, that the Appellant has consented to the withdrawal, and notice has been provided to the adverse party.

Wherefore, Counsel moves to withdraw as counsel of record in the above captioned case.

Respectfully submitted,



J. Falkner Wilkes, 12893

114 Whitsett Street

Greenville, SC 29601

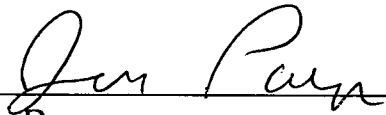
(803) 282-1292

Attorney of Record for Appellant

CONSENT TO WITHDRAW:

I consent to the Motion to Be Relieved as Counsel of Record by J.

Falkner Wilkes.



Jon Payne

17 Cardinal Drive

Taylors, SC 29687

Appellant

Others/parties/counsel of record:

Victoria T. Payne (pro se party)

6006 Hwy 11

Inman, SC 29349

Pro se Respondent

July 9, 2018.

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IN THE COURT OF APPEALS

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Jon Payne, ..... Appellant,

v.

Victoria T. Payne, ..... Respondent.

CERTIFICATE OF SERVICE

I certify that on July 9, 2018, I served the Motion to Withdraw as  
Counsel of Record on the Respondent, and others if so indicated, by  
placing a copy of same in the United States Mail, first class postage  
prepaid, addressed to counsel of record as indicated below, and by  
facsimile and/or other means if so indicated:

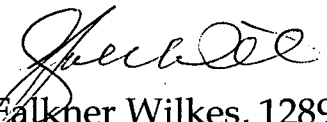
Victoria T. Payne  
6006 Hwy 11  
Inman, SC 29349  
Pro se Respondent

Jon Payne  
17 Cardinal Drive  
Taylors, SC 29687  
Appellant

Jenny Abbott Kitchings  
Clerk of the Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211  
via facsimile also to: (803) 734-1839

Paul B. Wickensimer, Clerk  
Courthouse  
305 E North St  
Greenville, SC 29601-2121

Respectfully submitted,

  
J. Falkner Wilkes, 12893  
114 Whitsett Street  
Greenville, SC 29601  
(803) 282-1292  
Attorney of Record for Appellant

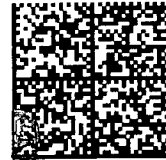
July 9, 2018.

J. Falkner Wilkes  
Attorney at Law  
114 Whitsett Street  
Greenville, SC 29601

**Jenny Abbott Kitchings**  
Clerk of Court  
1220 Senate Street  
Columbia, South Carolina 29201



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