

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ORIGINAL

Appeal from Horry County

The Honorable Brooks P. Goldsmith, Circuit Court Judge

Appellate Case No. 2018-000117

RECEIVED

JUL 26 2018

S.C. SUPREME COURT

JIMMY LEE SESSIONS,

RESPONDENT,

V.

THE STATE,

PETITIONER

MOTION TO BE RELIEVED AS COUNSEL

David Alexander, counsel for Jimmy Lee Sessions moves to be relieved as counsel. In support of this motion, counsel states:

1. Counsel is an Appellate Defender and was assigned to represent respondent, Jimmy Lee Sessions, by the Chief Appellate Defender.
2. Johnny Ellis James, Jr. represents the State. The State is the petitioner in this appeal. The State has not yet filed its petition for certiorari.
3. On February 3, 2017, the Honorable Brooks P. Goldsmith granted Sessions' PCR application. One of the grounds on which Judge Goldsmith granted relief was ineffective assistance of appellate counsel.

4. Sessions was represented on direct appeal by the Chief Appellate Defender, Robert M. Dudek. Mr. Dudek testified at the PCR hearing.

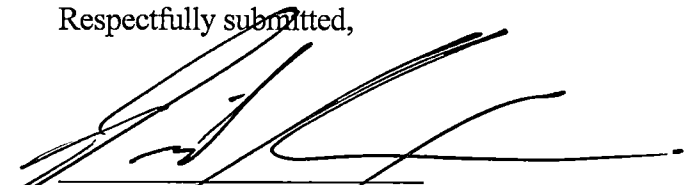
5. Counsel's representation of Mr. Sessions creates an apparent conflict of interest in that counsel would have to assert that his immediate supervisor, Mr. Dudek, was ineffective.

6. As this conflict would also exist for all other attorneys at Appellate Defense, counsel asks that the Court relieve counsel and appoint an attorney from outside of Appellate Defense. Counsel has conferred with James K. Falk, who represented Sessions at the PCR hearing, and he authorized me to inform the Court that he is willing to accept the Court's appointment to represent Mr. Sessions if the Court is so inclined.

7. Counsel has conferred with Mr. James and he advised me that he has no opposition to this motion.

Accordingly, Counsel for Jimmy Lee Sessions moves to be relieved as counsel.

Respectfully submitted,



David Alexander
Appellate Defender

ATTORNEY FOR RESPONDENT

This 26th day of July, 2018.

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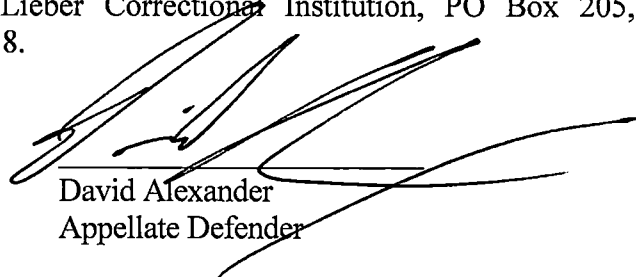
V.

THE STATE,

PETITIONER

CERTIFICATE OF SERVICE

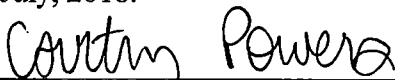
I certify that a true copy of the motion to be relieved in this case has been served on Johnny James, Jr., Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Jimmy Lee Sessions, #215137, Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, this 26th day of July, 2018.



David Alexander
Appellate Defender

ATTORNEY FOR RESPONDENT

SWORN TO BEFORE ME this 26th day
of July, 2018.



Notary Public for South Carolina
My Commission Expires: May 2, 2027.