

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 23 2018

Appellate Case No.: J018-cal3
Circuit Court Case No. 2018-CP-23-00824

SC Court of Appeals

Jon Payne, Appellant,

v.

Victoria T. Payne, Respondent.

AMENDED 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.

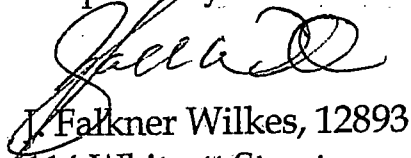
Recognizing the Appellant's right to discharge counsel and proceed pro se, combined with Counsel's obligations under Rule 264, SCACR, Counsel has assisted Appellant in the preparation of his pro se Notice of Appeal, and Amended Notice of Appeal, and files this AMENDED MOTION to allow his withdrawal from the appeal of the case. The amendment corrects the case caption on the original Motion to Withdraw.

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 16, 2018.

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Jon Payne, Appellant,

v.

Victoria T. Payne, Respondent.

CERTIFICATE OF SERVICE

I certify that on July 16, 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:

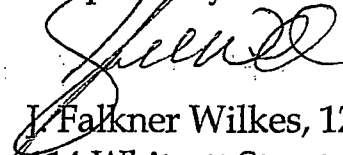
Victoria T. Payne
6006 Hwy 11
Inman, SC 29349
Pro se Respondent

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 16, 2018.



Robert J. Payne
17 Cardinal Dr.
Taylors, SC 29687-3210

P Jon Payne
17 Cardinal Dr
Taylors, SC 29687-3210

Appellate Court
2018-cc1300

Court of Appeals
1220 SENATE
Columbia, SC

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SC Court of Appeals

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