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ATTORNEYS AT LAW

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August 21, 2018

RECEIVED

AUG 22 2018

The Honorable Daniel E. Shearouse
Clerk
The South Carolina Supreme Court
P.O. Box 11330
Columbia, South Carolina 29211

S.C. SUPREME COURT

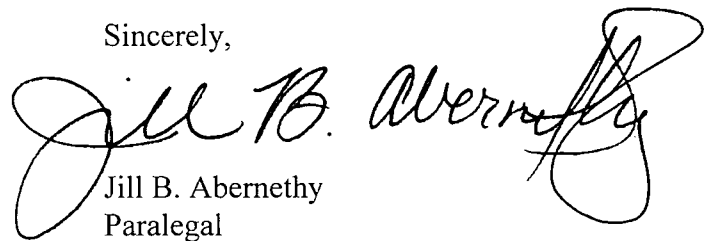
Re: *William Oliver Dickerson v. South Carolina* (2018-001499)

Dear Mr. Shearouse,

Please find enclosed for filing, along with certificate of service, the original and seven copies of the Motion for Appointment of Outside Counsel which reflects the corrected case caption in the above referenced case. Please clock-in the extra copy and return it to me in the enclosed self-addressed stamped envelope.

If you have any questions, please do not hesitate to contact me.

Sincerely,


Jill B. Abernethy
Paralegal

cc: Melody Brown, Esq.
Robert Dudek, Esq.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Richland County

G. Thomas Cooper, Jr. , Circuit Court Judge

Case No. 2018-001499

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S.C. SUPREME COURT

William Oliver Dickerson, Jr.,

Petitioner,

v.

State of South Carolina,

Respondent.

MOTION FOR APPOINTMENT OF OUTSIDE COUNSEL

The undersigned respectfully moves this Court for appointment of outside counsel for Petitioner, William Oliver Dickerson, Jr, based on a conflict of interest. In support of this motion, the undersigned respectfully shows the Court:

1) Petitioner was indicted by the Charleston County grand jury for murder, criminal sexual conduct first degree, and kidnapping.

2) The State sought the death penalty. The Honorable R. Markley Dennis presided over the trial, and Petitioner was represented by Jeffrey P. Bloom, Esquire, and C. Andrew (Drew) Carroll, Esquire. On April 30, 2009, Petitioner was convicted, and he was sentenced to death after the penalty phase on May 7, 2009. The jury found, as aggravating circumstances, that the murder was committed while in the commission of criminal sexual conduct, kidnapping, and physical torture. S.C. Code §16-30-20(C)(a)(1)(a), (b), and (i).

3) Petitioner appealed his convictions and sentence. He was represented by Robert Dudek and Kathrine Hudgins, Esquires, from the South Carolina Commission on Indigent Defense, Appellate Division. Trial counsel Bloom also represented Petitioner during the direct appeal. The Court denied relief. *State v. Dickerson*, 395 S.C. 101, 716 S.E.2d 895 (2011). Petitioner filed for rehearing which was denied. Petitioner then sought a petition for writ of certiorari in the United States Supreme Court. The Supreme Court denied certiorari on April 23, 2012. *William O. Dickerson v. South Carolina*, 566 U.S. 964 (2012).

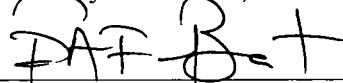
4) Petitioner then filed a timely application for post-conviction relief in the Charleston County Court of Common Pleas on May 16, 2012. Undersigned counsel was appointed, along with Charles Grose on August 20, 2012. The court conducted a number of hearings. On December 7-8, 2015, the court heard testimony from Dr. Richard Canfield, Dr. Marlyne Israelian, Mr. Bloom, Mr. Carroll, and Mr. Dudek. On March 31, 2016, the court heard testimony from Dr. Barbara O'Brien. On May 12-13, 2016, the court heard from Dr. O'Brien, Solicitor Scarlett Wilson, and Mr. Bloom. On May 27, 2016, the court heard from Dr. William "Mick" Norton. On October 23, 2017, the court heard from Dr. O'Brien again. The Honorable G. Thomas Cooper, Jr. denied relief on June 27, 2018. Petitioner then filed a Rule 59(e) Motion to Reconsider the Order of Dismissal. Judge Cooper denied that motion by order, dated July 20 2018.

5) Undersigned counsel requests that she be appointed to represent Petitioner in connection with this appeal. Outside counsel should be appointed because (a) the South Carolina Commission on Indigent Defense has a conflict of interest since Petitioner alleges two claims of appellate ineffectiveness,¹ and (b) Undersigned counsel is familiar with the lengthy trial and PCR record and thus is best suited to represent Petitioner on the appeal and in the most expeditious manner.

6) Counsel believes there may be several transcripts that will need to be ordered to prepare the appendix for the appeal. Petitioner requests that the time to order the transcripts and prepare the appendix be tolled while this motion is pending in this Court.

Respectfully, for the above reasons, undersigned counsel requests that this Court appoint her to represent Petitioner on appeal. Counsel will confer with the Attorney General's Office to identify and then order any outstanding transcripts that may remain. Counsel respectfully requests that time limits governing assembling the appendix be tolled during the pendency of this motion.

Respectfully submitted,



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August 20, 2018

¹ In his third amended application, Petitioner raised the following ineffective assistance of appellate counsel claims: 1) Appellate counsel rendered ineffective assistance of counsel for failing to present, for appellate review, defense counsel's objections to the admission of photographs [State's Trial Exhibits] 141, 153, 160, 161, 162, 166, 171, 172, 173, 177, 178, 181, 184, 335, and 336. 2) Appellate counsel rendered ineffective assistance of counsel for failing to present, for appellate review, defense counsel's objection to the solicitor's questioning of Dr. Phillips about whether Dickerson "knew right from wrong" at the time of the killing. Evidence was presented at the PCR hearing regarding these two claims, and the PCR judge rejected them in his order.

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S.C. SUPREME COURT

Appeal from Richland County

G. Thomas Cooper, Jr. , Circuit Court Judge

William Oliver Dickerson, Jr.,

Petitioner,

v.

State of South Carolina,

Respondent.

CERTIFICATE OF SERVICE

Counsel hereby certifies that she served **Ms. Melody Brown** of the South Carolina Attorney General's Office, by sending this motion on this date, August 20, 2018, via mail, 1st class, postage pre-paid, at 1000 Assembly Street, Columbia, South Carolina 29201. She also certifies she has served **Robert M. Dudek** of the South Carolina Commission on Indigent Defense, Appellate Division by sending via mail, 1st class, postage pre-paid at P.O. Box 11433, Columbia, South Carolina 29211-1433.

Respectfully submitted,



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