

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

RECEIVED

DEC 04 2018

Certiorari to Lancaster County

S.C. SUPREME COURT

Brooks P. Goldsmith, Circuit Court Judge

PHILLIP BRYAN GLEASON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-001791

MOTION FOR APPOINTMENT
OF OUTSIDE COUNSEL

Undersigned counsel respectfully moves this Court to appoint outside counsel to represent Petitioner in the appeal from the denial of his application for post-conviction relief (PCR). The victim/decedent in this case was related to a current employee of the Commission on Indigent Defense.

1. Petitioner pled guilty to voluntary manslaughter, and two counts of unlawful neglect of a child or helpless person on January 30, 2017, before the Honorable Brian Gibbons. Christopher Wellborn represented petitioner.

2. Judge Gibbons sentenced petitioner to thirty years imprisonment for voluntary manslaughter, and two consecutive sentences of four years each for unlawful neglect of a child or helpless person.

3. Petitioner subsequently filed an application for post-conviction relief. A post-conviction relief hearing was held on July 17, 2018 before the Honorable Brooks Goldsmith. Appointed counsel Donae Minor represented petitioner. DeShawn H. Mitchell was the Assistant Attorney General.

4. Judge Goldsmith filed an order of dismissal dated August 25, 2018. This office resumed representation of the indigent petitioner for purposes of his PCR appeal.

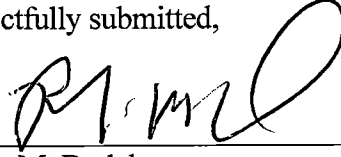
5. Undersigned counsel is now aware that a current employee of this agency, working in the Columbia Office that also houses the Office of Appellate Defense, was related to the decedent in this case.

6. Undersigned counsel believes that outside counsel should be appointed to represent petitioner on appeal so that there is not even the appearance of a conflict of interest because a relative of the decedent is employed by this legal office.

7. Undersigned counsel can provide this Court additional specificity if desired by this Court prior to it ruling on this motion for the appointment of outside counsel.

WHEREFORE, undersigned counsel respectfully requests the appointment of outside counsel to represent Petitioner in his appeal of the PCR court's order denying him relief. Undersigned counsel requests this Court hold the timelines for filing the petition for writ of certiorari and appendix in abeyance pending a decision on this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. M. Dudek', written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 4th day of December, 2018

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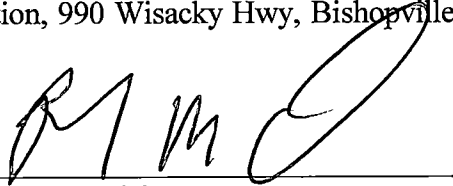
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion for Appointment of Outside Counsel in the above referenced case has been served upon Samuel L. Key, Esquire, at Rembert C. Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Phillip Bryan Gleason, #371334, Lee Correctional Institution, 990 Wisacky Hwy, Bishopville, SC 29010, this 4th day of December, 2018.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 4th day of December, 2018.

 (L.S.)

Notary Public for South Carolina
My Commission Expires: July 3, 2023



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
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Columbia, South Carolina 29201-3332
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

December 4, 2018

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DEC 04 2018
S.C. SUPREME COURT

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

Re: Phillip Bryan Gleason v. State of South Carolina
Appellate Case No. 2018-001791

Dear Mr. Shearouse:

Enclosed are an original and six copies of the Motion for Appointment of Outside Counsel in the above referenced case. Thank you for your assistance in this matter.

Sincerely,


Robert M. Dudek
Chief Appellate Defender

RMD/ab
Enclosure

cc: Samuel L. Key, Esquire