

STATE OF SOUTH CAROLINA  
In the Supreme Court

---

**RECEIVED**

JAN 24 2019

APPEAL FROM YORK COUNTY  
Court of Common Pleas

S.C. SUPREME COURT

Roger E. Henderson, Circuit Court Judge

---

Appellate Case No. 2018-002281  
Circuit Court Case No. 2016-CP-46-2450

---

DONQUAVIOUS DASHON DAVIS, #364690,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

---

**MOTION TO BE RELIEVED AS COUNSEL**

---

**NOW COMES** undersigned counsel for the Petitioner in the above-captioned action hereby requesting that this Court relieve him as counsel. In support of this motion, undersigned counsel would show this Honorable Court the following:

This matter is an appeal from the denial of an Application for Post-Conviction Relief. In November 2017, undersigned counsel was retained by the Petitioner's family to represent the Petitioner in his PCR action, which proceeded to a hearing on April 16, 2018. Undersigned counsel was not hired to represent the Petitioner on any appeal taken from the PCR, and undersigned counsel's fee agreement explicitly provided:

**SAID REPRESENTATION SPECIFICALLY EXCLUDES  
REPRESENTATION ON ANY SUBSEQUENT APPEAL OR**

**COURT ACTION, INCLUDING AN APPEAL TO THE  
SOUTH CAROLINA COURT OF APPEALS OR THE  
SUPREME COURT OF SOUTH CAROLINA.**

The Petitioner's family were supposed to make eighteen monthly payments towards the fee and ceased doing so after making a payment in May 2018. Consequently, only half of undersigned counsel's fee was paid in this case.

Undersigned counsel received the PCR order of dismissal on November 26, 2018. On November 27, 2018, undersigned counsel sent the order of dismissal to the Petitioner and notified the Petitioner that undersigned counsel would not represent the Petitioner on appeal. Undersigned counsel further notified the Petitioner that the Petitioner could retain a new attorney to represent him or seek appointed counsel. Finally, undersigned counsel provided the Petitioner with an affidavit of indigency in the event he chose appointed representation on appeal. Undersigned counsel again notified the Petitioner on December 26, 2018, as well as on January 7, 2019, that the Petitioner needed to make a decision regarding representation.

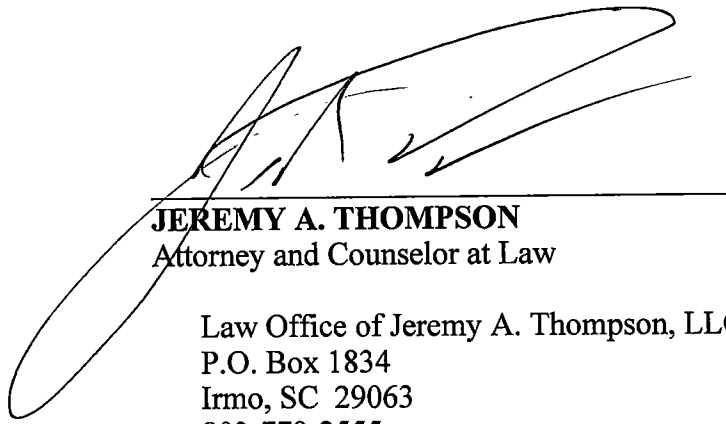
The only response undersigned counsel has received from the Petitioner is a letter received on December 14, 2018, that the Petitioner intended to hire a new attorney to represent him on appeal. However, undersigned counsel has not been subsequently contacted by an attorney on the Petitioner's behalf. Furthermore, undersigned counsel has not received a completed affidavit of indigency from the Petitioner, nor has undersigned counsel received notification from the Petitioner that he intends to seek appointed counsel in this case.

Undersigned counsel's fee remains unpaid, undersigned counsel was not retained to handle this appeal, and the Petitioner has continuously failed to take action with regard to representation on this appeal. Given these facts, undersigned counsel respectfully requests that this Court relieve him as counsel for the Petitioner in this appeal. Inasmuch as this motion is also being filed on the date that the PCR hearing transcript was due to be ordered, undersigned counsel also respectfully

requests that this Court hold the time limits for ordering the PCR hearing transcript in abeyance while this Court considers this motion.

**WHEREFORE**, having set forth his grounds, undersigned counsel respectfully requests that this Court relieve him as counsel for the Petitioner in this action. Undersigned counsel also respectfully requests that this Court hold the time limits for ordering the PCR hearing transcript in abeyance while this Court considers this motion.

Respectfully submitted,



**JEREMY A. THOMPSON**  
Attorney and Counselor at Law

Law Office of Jeremy A. Thompson, LLC  
P.O. Box 1834  
Irmo, SC 29063  
803-779-2555  
803-753-9732 FAX  
[jeremyatlaw@yahoo.com](mailto:jeremyatlaw@yahoo.com)

**ATTORNEY FOR PETITIONER.**

This 22<sup>nd</sup> day of January, 2019.

STATE OF SOUTH CAROLINA  
In the Supreme Court

---

APPEAL FROM YORK COUNTY  
Court of Common Pleas

Roger E. Henderson, Circuit Court Judge

---

Appellate Case No. 2018-002281  
Circuit Court Case No. 2016-CP-46-2450

---

DONQUAVIOUS DASHON DAVIS, #364690,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

---

**CERTIFICATE OF SERVICE**

---

The undersigned hereby certifies that one copy of the Motion to Be Relieved as Counsel in the above-entitled case has been served upon opposing counsel, Kelly Oppenheimer, Assistant Attorney General, Office of the Attorney General, P.O. Box 11549, Columbia, SC 29211, by depositing in the U.S. mail with proper postage, this 22<sup>nd</sup> day of January, 2019.

  
\_\_\_\_\_  
**JEREMY A. THOMPSON**  
ATTORNEY FOR THE PETITIONER

SWORN TO BEFORE me this 22<sup>nd</sup> day  
of January, 2019.

Angela Carter (L.S.)  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

My Commission Expires August 20, 2025

STATE OF SOUTH CAROLINA  
In the Supreme Court

---

RECEIVED

JAN 24 2019

S.C. SUPREME COURT

APPEAL FROM YORK COUNTY  
Court of Common Pleas

Roger E. Henderson, Circuit Court Judge

---

Appellate Case No. 2018-002281  
Circuit Court Case No. 2016-CP-46-2450

---

DONQUAVIOUS DASHON DAVIS, #364690,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

---

**CERTIFICATE OF SERVICE**

---

The undersigned hereby certifies that one copy of the Motion to Be Relieved as Counsel in the above-entitled case has been served upon the Petitioner, Donquavious Dashon Davis, #364690, Lee Correctional Institution, 990 Wisacky Highway, Bishopville, SC 29010, by depositing in the U.S. mail with proper postage, this 22<sup>nd</sup> day of January, 2019.

  
\_\_\_\_\_  
JEREMY A. THOMPSON  
ATTORNEY FOR THE PETITIONER

SWORN TO BEFORE me this 22<sup>nd</sup> day  
of January, 2019.

Angela Carter (L.S.)

Notary Public for South Carolina

My Commission Expires: \_\_\_\_\_

My Commission Expires August 20, 2025



LAW OFFICE OF  
**JEREMY A. THOMPSON**  
LLC

January 22, 2019

**RECEIVED**

JAN 24 2019

S.C. SUPREME COURT

The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
P.O. Box 11330  
Columbia, SC 29211-1330

RE: Donquavious Dashon Davis, #364690 v. State of South Carolina; 2016-CP-46-2450

Dear Mr. Shearouse:

Enclosed for filing please find the original and seven copies of my Motion to Be Relieved as Counsel. I would appreciate your filing the original and six copies of the motion, clocking the seventh copy, and returning the remaining copy to me in the enclosed self-addressed, stamped envelope. With my thanks for your assistance in this matter and my best regards, I am,

Yours sincerely,

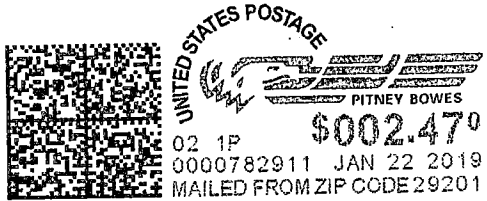


Jeremy A. Thompson  
Attorney and Counselor at Law

JAT/  
Enclosures

cc: Kelly Oppenheimer, Assistant Attorney General (w/ enclosure)  
Donquavious Dashon Davis, #364690 (w/ enclosure)  
Paul E. Robinson (w/ enclosure)

Thompson



The Honorable Daniel E. Shearouse  
Clerk, Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211-1330