

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Judge Clifton Newman, Circuit Court Judge

Appellate Case No: 2018-001852

State of South Carolina,

Respondent,

v.

James Kester,

Appellant.

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FEB 04 2019
SC Court of Appeals

MOTION FOR SUBSTITUTION OF COUNSEL

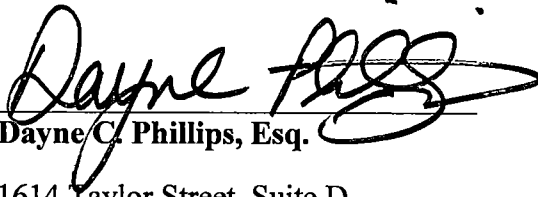
This matter is before the Court on the undersigned Counsel's Motion for Substitution of Counsel in the above-captioned direct appeal. The Appellate Division of the South Carolina Commission on Indigent Defense is currently representing the Appellant. Appellate Defender Lara Caudy has been assigned to represent Mr. James Kester on this direct appeal, and she consents to the substitution of counsel as indicated by her signature on the following page of this motion. Appellant also consents to this motion as indicated by his signature. Therefore, Appellant respectfully requests that the undersigned Counsel be substituted as counsel of record on his direct appeal and that Lara Caudy be relieved as counsel of record.

[Conclusion and Signature Page to Follow]

CONCLUSION

Therefore, Appellant respectfully requests that the undersigned Counsel be substituted as counsel of record for Mr. Kester's direct appeal and that Appellate Defender Lara Caudy be relieved as counsel.

Respectfully Submitted,

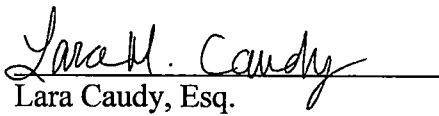


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Attorney, Price Benowitz LLP

I Consent:



Lara Caudy, Esq.

Date: 1/30/19

I Consent:



James Kester, Appellant

Date: 1-31-19

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the within and foregoing Motion for Substitution of Counsel by depositing a true and correct copy of the same via first-class mail, postage prepaid, upon all parties as follows:

Lara Caudy, Esq.
SCCID, Appellate Division
P.O. Box 11433
Columbia, SC 29211-1433

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J. Benjamin Aplin, Esq.
SC Attorney General's Office
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SC Court of Appeals

The Honorable Jenny A. Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

By



Toby Whitmire
Law Clerk for Dayne C. Phillips, Esq.

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January 31, 2019

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SC Court of Appeals

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January 31, 2019

The Honorable Jenny A. Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: State v. James Kester
MOTION FOR SUBSTITUTION OF COUNSEL
Appellate Case No.: 2018-001852

Dear Ms. Kitchings:

I have enclosed an original and one copy of the signed Motion for Substitution of Counsel in the above-referenced case, along with a Certificate of Service for filing.

I would greatly appreciate you filing the enclosed motions and returning the clocked-in copy to me in the enclosed self-addressed, stamped envelope. Thank you for your assistance with filing these documents.

Please note that I have received a copy of the trial transcript from the court reporter. However, I have **not** received a copy of the necessary pre-trial hearing transcript in this case that had been previously requested by the Office of Appellate and recently by me.

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State v. James Kester

MOTION FOR SUBSTITUTION OF COUNSEL

Appellate Case No.: **2018-001852**

January 31, 2019

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As required by the South Carolina Appellate Court Rules, I will notify the Court upon receipt of the requested pre-trial hearing transcript. Therefore, I am respectfully requesting that the required time limit to file the Initial Brief of Appellant be held in abeyance until receipt of that necessary transcript.

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

Sincerely,


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Attorney, Price Benowitz LLP

Enclosures (noted)

cc: **James Kester**
Lara Caudy, Esq.
J. Benjamin Aplin, Esq.

Dayne Phillips, Attorney at Law
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Hon. Jenny A. Kitchings
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