

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Certiorari to Richland County

Honorable J. Derham Cole, Circuit Court Judge

RECEIVED

DEC 06 2019

SC Court of Appeals

ADONIS WILLIAMS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-001688

MOTION TO WITHDRAW BRIEF FILED PURSUANT TO WHITE V. STATE AND FILE THE
ATTACHED AMENDED WHITE V. STATE BRIEF

Counsel for Petitioner, Adonis Williams, respectfully moves for an order to allow the withdrawal of the original brief filed in the South Carolina Supreme Court pursuant to White v. State on March 11, 2019, and allow filing of the attached amended White v. State brief to correct a factual error. In support of this motion, counsel presents the following:

1. The petition for writ of certiorari, appendix and brief pursuant to White v. State were filed in the South Carolina Supreme Court on March 11, 2019. The State filed a return to the petition for writ of certiorari on July 16, 2019. The State has not yet filed a brief in response to the White v. State issue.

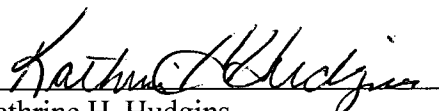
2. On July 31, 2019, the South Carolina Supreme Court, pursuant to Rule 243(1), SCACR, transferred the case to the South Carolina Court of Appeals.

3. In reviewing the White v. State brief, and discussing the brief with Petitioner, counsel discovered a factual error in the brief. While pre-trial the State argued that law enforcement had a search warrant for a house, testimony from the officers later revealed that the search was done by consent. The brief asserts that the search was done pursuant to a search warrant. Counsel seeks to correct the error and apply the correct analysis for a consent search rather than a search done pursuant to a warrant.

4. Counsel respectfully moves this Court to allow the withdrawal of the original brief filed pursuant to White v. State and allow filing of the attached amended White v. State brief to correct the factual error and address the proper analysis.

Based upon the above showing, counsel respectfully moves for an order from this Court allowing withdrawal of the original brief filed in the South Carolina Supreme Court pursuant to White v. State on March 11, 2019, and allowing Petitioner to file the attached amended White v. State brief.

Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender

Attorney for Petitioner

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Certiorari to Richland County

Honorable J. Derham Cole, Circuit Court Judge

ADONIS WILLIAMS,

PETITIONER,

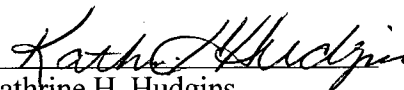
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

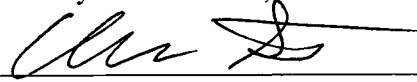
CERTIFICATE OF SERVICE

I certify that a true copy of the motion to withdraw brief filed pursuant to White v. State and substitute with the attached White v. State brief has been served on William F. Schumacher, IV, Esquire at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 6th day of December, 2019.


Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this
6th day of December, 2019.


_____(L.S.)
Notary Public for South Carolina
My Commission Expires: September 30, 2029.