

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas
Larry B. Hyman, Jr., Circuit Court Judge

Appellate Case No. 2016-001666
Lower Court Case No. 2013-CP-08-2121

JUSTIN R. HILLERBY, #339543,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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JAN 14 2020
SC Court of Appeals

MOTION TO WITHDRAW AS COUNSEL

THIS MATTER comes before the Court by way of an appeal from a Post-Conviction Relief Order. On December 16, 2019, undersigned counsel was offered, and he accepted, a position in the Appellate Division of the Federal Public Defender's Office. Undersigned counsel's employment will begin on February 3, 2020. Undersigned counsel cannot represent clients in a private capacity when he is employed with the Federal Public Defender's Office.

Undersigned counsel sent a letter to the Petitioner on December 19, 2019, notifying him of undersigned counsel's change in employment and to advise the Petitioner of his options moving forward with his appeal. Undersigned counsel subsequently met with the Petitioner at his

institution, Broad River Correctional Institution, on January 7, 2020, to further discuss these issues. At that time, the Petitioner informed undersigned counsel that he intended to proceed *pro se* before this Court moving forward with his appeal. Undersigned counsel has provided the Petitioner with an affidavit of indigency in the event that the Petitioner decides to request appointed counsel to represent him before this Court.

Given all of the above, undersigned counsel respectfully requests that this Court permit him to withdraw as counsel in this appeal pursuant to Rule 264(b), SCACR. Undersigned counsel has consulted with opposing counsel regarding this request, and opposing counsel takes no position on the motion. Furthermore, undersigned counsel is serving a copy of this motion on the Petitioner as well as providing a copy of this motion to Appellate Defense.

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
803-779-2556 FAX
jeremyatlaw@yahoo.com

ATTORNEY FOR PETITIONER.

This 1st day of January, 2020.

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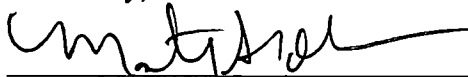
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that one copy of the Petitioner's Motion to Withdraw as Counsel in the above-entitled case has been served upon opposing counsel, Mark R. Farthing, Senior 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 13th day of January, 2020.


JEREMY A. THOMPSON
ATTORNEY FOR THE PETITIONER

SWORN TO BEFORE me this 13 day
of January, 2020.


(L.S.)

Notary Public for South Carolina
My Commission Expires: _____

MISTY S. GOLDINER
Notary Public - State of South Carolina
My Commission Expires March 21, 2029



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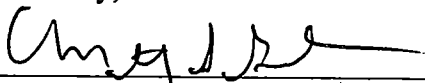
CERTIFICATE OF SERVICE

The undersigned hereby certifies that one copy of the Petitioner's Motion to Withdraw as Counsel in the above-entitled case has been served upon the Petitioner, Justin R. Hillerby, #339543, Broad River Correctional Institution, 4460 Broad River Road, Columbia, SC 29210, by depositing in the U.S. mail with proper postage, this 13th day of January, 2020.



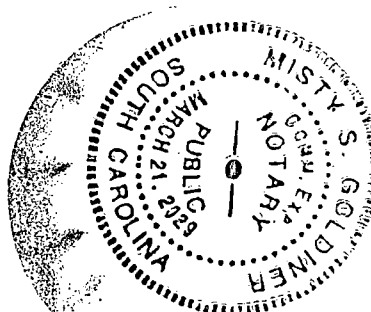
JEREMY A. THOMPSON
ATTORNEY FOR THE PETITIONER

SWORN TO BEFORE me this 13 day
of January, 2020.



(L.S.)
Notary Public for South Carolina
My Commission Expires: _____

MISTY S. GOLDINER
Notary Public - State of South Carolina
My Commission Expires March 21, 2029





LAW OFFICE OF
JEREMY A. THOMPSON
LLC

January 13, 2020

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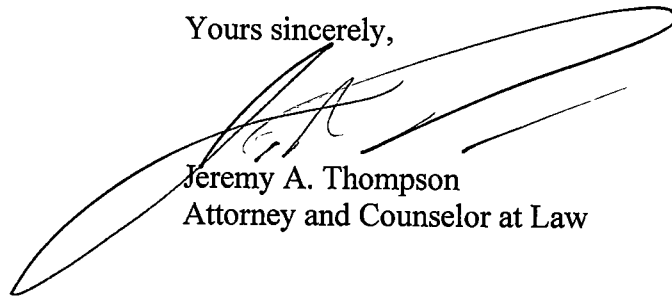
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Justin R. Hillerby, #339543 v. State of South Carolina; 2016-001666

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of my motion to withdraw as counsel in the above-captioned matter. 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. If I can be of any further assistance to the Court in this matter, please do not hesitate to contact me. With my thanks for the Court's assistance in this matter, and my best regards, I am,

Yours sincerely,



Jeremy A. Thompson
Attorney and Counselor at Law

JAT/
Enclosures

cc: Mark R. Farthing, Senior Assistant Attorney General (w/ enclosure)
Robert M. Dudek, Chief Appellate Defender (w/ enclosure)
Justin R. Hillerby, #339543 (w/ enclosure)
Vicki Clearman (w/ enclosure)

Law Office of Jeremy A. Thompson
P.O. Box 1834
Irmo, SC 29063



The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
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