

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No. 2018-001498
Lower Court Case No. 2015-CP-42-0996

RECEIVED
JAN 14 2020
SC Court of Appeals

JAMES BENJAMIN IRBY, #352507,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

MOTION TO WITHDRAW AS COUNSEL

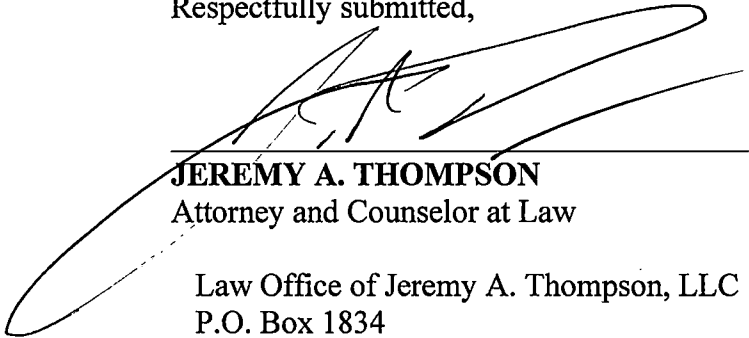
THIS MATTER comes before the Court by way of an appeal from a Post-Conviction Relief Order. On December 16, 2019, undersigned counsel was offered, and he accepted, a position in the Appellate Division of the Federal Public Defender's Office. Undersigned counsel's employment will begin on February 3, 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 27, 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, Evans Correctional Institution, on January 9, 2020, to further discuss these issues. At that time, the Petitioner informed undersigned counsel that he intended to request appointed counsel represent him on this appeal, and he provided undersigned counsel with a completed affidavit of indigency during this meeting.¹

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 consents to the granting of this 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 15th day of January, 2020.

¹ Undersigned counsel will also be providing Appellate Defense with the Petitioner's affidavit of indigency on today's date.

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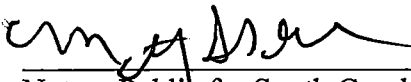
CERTIFICATE OF SERVICE

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, Jacob Isenberg, 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.



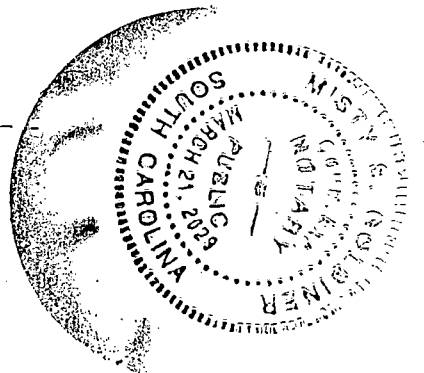
JEREMY A. THOMPSON
ATTORNEY FOR THE PETITIONER

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, James Benjamin Irby, #352507, Evans Correctional Institution, 610 Highway 9 West, Bennettsville, SC 29512, by depositing in the U.S. mail with proper postage, this 13th day of January, 2020.


JEREMY A. THOMPSON
ATTORNEY FOR THE PETITIONER

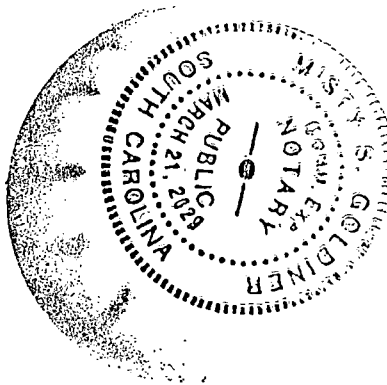
SWORN TO BEFORE me this 13 day
of January, 2020.


(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

RECEIVED
JAN 14 2020
SC Court of Appeals

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

RE: James Benjamin Irby, #352507 v. State of South Carolina; 2018-001498

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: Jacob Isenberg, Assistant Attorney General (w/ enclosure)
Robert M. Dudek, Chief Appellate Defender (w/ enclosure)
James Benjamin Irby, #352507 (w/ enclosure)
Marian Irby (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
P.O. Box 11629
Columbia, SC 29211

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