

RECEIVED

FEB 10 2020

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM MARION COUNTY
Court of Common Pleas
D. Craig Brown, Circuit Court Judge

Appellate Case No. 2019-000476
Lower Court Case No. 2010-CP-33-852

Fred R. Halcomb, JR. 311070,

Petitioner,

v.

State of South Carolina,

Respondent,

RECEIVED

FEB 10 2020

SC Court of Appeals

Petitioner's Motion To Reconsider Grant
OF Counsel's Motion To Withdraw.

The Petitioner, Fred R. Halcomb (Petitioner), by way of this motion comes before the court pro-se and pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure, respectfully moves this court to reconsider, alter or amend its order of January 23, 2020 which granted Attorney Jeremy A. Thompson, esquire his motion to withdraw as petitioner's appellate counsel in the above mentioned appellate case No. 2019-000476, and to respectfully enter an order denying Attorney Jeremy A. Thompson's motion to withdraw as petitioner's appellate counsel. Petitioner further request this court to order Mr. Thompson to put his post employment with the Federal Public defender's office in abeyance until the agreed upon paid legal services

are rendered in petitioner's writ of certiorari and possible appellate review of the denial of petitioner's post conviction relief claims.

Attorney Jeremy A. Thompson filed a motion to withdraw as counsel with this court on January 15, 2020. This court entered an order granting said motion on January 23, 2020 after considering petitioner's return opposing the motion. Petitioner received this court's order on January 30, 2020 by way of stateville correctional center legal mail in an envelope sent by Attorney Jeremy A. Thompson.

"Many of a lawyer's professional responsibilities are prescribed in the rules of professional conduct, as well as substantive and procedural law. However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service." Rule 407 (7) of SCRPC.

"In the nature of law practice, however, conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system and to the lawyer's own interest in remaining an ethical person while earning a satisfactory living. The rules of professional conduct often prescribe terms for resolving such conflicts within the framework of these rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgement guided by the basic principles underlying the rules. Those principles include the lawyer's obligation to zealously protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system. Rule 407(9) of SCRPC.

Mr. Thompson has failed to uphold the moral obligations of zealously protecting

and pursuing petitioner's legitimate interest in enjoying the right of adequate and sufficient appellate counsel that petitioner did meet every financial demand made by Mr. Thompson as agreed by signed fee agreement. Mr. Thompson did so by not only deceiving petitioner but also deceiving this very court by way of his motion to withdraw as counsel. MR. Thompson states that on "December 16, 2019 he (undersigned Counsel) was offered, and he accepted, a position in the Appellate Division of the Federal Public Defender's office". What Mr. Thompson fails to state is he "applied for" said position within the Federal Public Defender's office sometime within the month of November 2019. This Mr. Thompson admits verbally to petitioner by way of telephone on January 6th, 2020, but failed to state in his motion to withdraw as petitioner's counsel.

This act of applying for and accepting a position of employment with the Federal Public Defender's office while contractually obligated to represent petitioner in specific legal matters stated in the contract that petitioner paid Mr. Thompson in full is both unethical and deceptive.

Mr. Thompson cites Rule 264(b), SCACR in said motion to withdraw as counsel, but his reason is not a justifiable cause when weighing the fact that had Mr. Thompson not applied for said position of employment until after he fulfilled his contractual agreed upon services to petitioner, then there would be no need to withdraw as counsel based on 18 U.S.C. § 3006A (g)(2)(A). Petitioner is surely only one of many clients that has paid Mr. Thompson and now Mr. Thompson up and decides to apply for employment elsewhere and accepts above stated position of employment while not completing the paid legal services agreed upon by Mr. Thompson and petitioner, thus leaving petitioner's appeal as if it holds no importance to an attorney who is obligated to preserve the integrity of the public and legal system.

By granting Mr. Thompson's motion to withdraw is not only granting an injustice, but approving similar acts to occur in the future at the expense of the client of which ever attorney up and decides they wish to seek employment outside of their private practice while not fulfilling their legal duties to their clients that they were paid to do so from persons with extremely limited resources.

Conclusion

For all the foregoing reasons, and any others that the court may deem appropriate, this court should reconsider, alter, or amend its order of January 23, 2020, and enter an order denying Mr. Jeremy A. Thompson's motion to withdraw as petitioner's appellate counsel.

Respectfully Submitted,

Fred R. Halcomb

Fred R. Halcomb, JR. Y24362
Stateville C.C. B-House 615
P.O. Box 112
Joliet, IL. 60434

January 30, 2020

STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM MARION COUNTY
Court of Common Pleas
D. Craig Brown, Circuit Court Judge

Appellate Case No. 2019-000476
Lower Court Case No. 2010-LP-33-852

RECEIVED
FEB 10 2020
SC Court of Appeals

Fred R. Halcomb, JR.

Petitioner,

v.

State of South Carolina,

Respondent,

RECEIVED

FEB 10 2020

S.C. SUPREME COURT

CERTIFICATE OF SERVICE

I certify that I have served the foregoing Petitioner's Motion To Reconsider, Alter, or Amend its order of January 23, 2020, pursuant to Rule 59(e) of SCRPC, on The Clerk of The South Carolina Supreme Court, Attorney Jeremy A. Thompson, esq., and David A. Spencer, esq., Senior Assistant Attorney General by depositing copies of the same in the U.S. Mail, postage prepaid, on February 2, 2020, addressed to the following:

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

Jeremy A. Thompson, esq.
P.O. Box 1834
Irmo, SC 29063

David Spencer, Senior Assistant Attorney General
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

Fred R. Halcomb, JR. V24362
Stateville C.C. B-House 615
P.O. Box 112
Joliet, IL. 60434

Fred R. Halcomb, Jr.

Fred R. Halcomb Y24362
Stateville C.C. B-House 615
P.O. Box 112
Joliet, IL. 60434

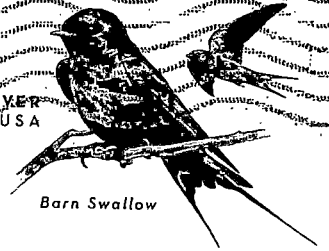
RECEIVED

FEB 10 2020

SC Court of Appeals

05 FEB 2020 PM 2 1

FOREVER
USA



The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
P.O. Box 11330
Columbia, S.C. 29211
S.C. App. C/S No. 2019-000476

Legal Mail

29211-133030

