

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

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

FRED HALCOMB, JR., # 311091,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

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MAR 19 2020

SC Court of Appeals

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**MOTION TO WITHDRAW AS COUNSEL**

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**THIS MATTER** comes before the Court by way of an appeal from a Post-Conviction Relief Order. The undersigned represented the Petitioner before the circuit court with the notice of appeal having been filed by Jeremy A. Thompson, Esquire. The petition for a writ of certiorari, appendix and a return to the petition have been filed. Pursuant to an Order dated January 23, 2020, Mr. Thompson was relieved as Petitioner's counsel of record and the undersigned continues to serve as counsel for the Petitioner pursuant to Rule 264(a) of the South Carolina Appellate Court Rules. Pursuant to an Order dated February 3, 2020, Petitioner's post-conviction relief appeal was transferred to the South Carolina Court of Appeals.

Undersigned counsel does not engage in the practice of law before the appellate courts. Undersigned counsel mailed correspondence to Petitioner on February 11, 2020 explaining the issue of

representation and provided Petitioner with an Affidavit of Indigency for Appellate Defense.<sup>1</sup> Undersigned counsel requested that the Affidavit of Indigency be returned to Appellate Defense for screening for representation. Undersigned counsel has corresponded with Appellate Defense which has confirmed that they received Petitioner's Affidavit of Indigency, screened Petitioner for representation and have agreed to represent Petitioner in connection with his appeal. Undersigned counsel is further informed and believes that Appellate Defense has received correspondence from Petitioner seeking representation in this appeal by Appellate Defense.

Based upon the foregoing, 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 Appellate Defense.

Respectfully submitted,



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**JOSHUA A. BAILEY**  
Attorney for the Petitioner

**SNOW AND BAILEY LAW FIRM, P.A.**  
900 West Evans Street (29501)  
Post Office Box 555 (29503)  
Florence, South Carolina  
(P): 843-669-6481  
(F): 843-669-4920  
(E): [jbailey@peedeelawyers.com](mailto:jbailey@peedeelawyers.com)

Dated this 17<sup>th</sup> day of March, 2020.

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<sup>1</sup> Undersigned counsel was not able to meet with the Petitioner in person as the Petition is currently housed in Illinois.

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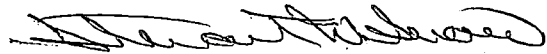
**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that one copy of the Petitioner's Motion to Withdraw as Counsel in the above-captioned appeal has been served upon opposing counsel, David Spencer, Esquire, Senior Assistant Attorney General, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina, 29211, by depositing in the U.S. Mail with proper postage, this 17<sup>th</sup> day of March, 2020.

  
\_\_\_\_\_  
**JOSHUA A. BAILEY**  
Attorney for the Petitioner

Sworn to and subscribed before me  
this 17<sup>th</sup> day of March, 2020

  
\_\_\_\_\_  
Notary Public for South Carolina  
My commission expires: 10/14/24

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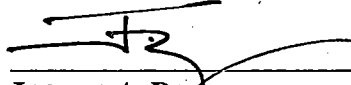
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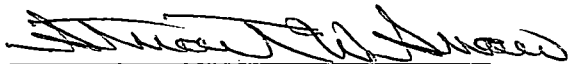
**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that one copy of the Petitioner's Motion to Withdraw as Counsel in the above-captioned appeal has been served upon the Petitioner, Fred Halcomb, Jr., #Y24362, Stateville Correctional Center, Post Office Box 112, Joliet, Illinois 60434, by depositing in the U.S. Mail with proper postage, this 17<sup>th</sup> day of March, 2020.

  
\_\_\_\_\_  
**JOSHUA A. BAILEY**  
Attorney for the Petitioner

Sworn to and subscribed before me  
this 17<sup>th</sup> day of March, 2020

  
\_\_\_\_\_  
Notary Public for South Carolina  
My commission expires: 10/17/24

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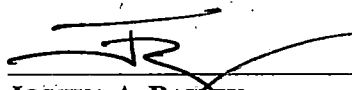
RESPONDENT.

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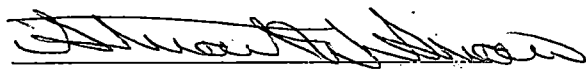
**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that one copy of the Petitioner's Motion to Withdraw as Counsel in the above-captioned appeal has been served upon Robert M. Dudek, Esquire, Chief Appellate Defender, South Carolina Commission on Indigent Defense, Appellate Division, Post Office Box 11589, Columbia, South Carolina 29201, by depositing in the U.S. Mail with proper postage, this 17<sup>th</sup> day of March, 2020.

  
\_\_\_\_\_  
**JOSHUA A. BAILEY**  
Attorney for the Petitioner

Sworn to and subscribed before me  
this 17<sup>th</sup> day of March, 2020

  
\_\_\_\_\_  
Notary Public for South Carolina  
My commission expires: 10/17/27



**SNOW AND BAILEY**  
LAW FIRM

STUART W. SNOW, SR.  
JOSHUA A. BAILEY  
S. WESLEY SNOW, JR.

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EMAIL: jbailey@pcedeelawyers.com

March 17, 2020

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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MAR 19 2020

SC Court of Appeals

RE: Fred R. Halcomb, Jr., #Y24362 v.  
State of South Carolina  
Appellate No.: 2019-000476  
File No.: 19J-13079

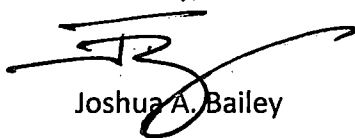
Dear Ms. Kitchings:

Enclosed for filing please find the original and seven (7) copies of my Motion to Withdraw as Counsel in the above-captioned appeal. I would appreciate your filing the original and six (6) copies of the motion, clocking the remaining copy, and returning the clocked copy to my office.

Should you require any additional information or documentation, please do not hesitate to contact me.

With kind personal regards, I am,

Sincerely,



Joshua A. Bailey

Enclosures (as stated)

cc: David Spencer, Esquire, Senior Assistant Attorney General (w/ enclosure)  
Robert M. Dudek, Esquire, Chief Appellate Defender (w/ enclosure)  
Fred R. Halcomb, Jr., #Y24362 (w/ enclosure)



SNOW & BAILEY, P.A.  
ATTORNEYS AT LAW  
PO BOX 555  
FLORENCE SC 29503

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The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211