

STATE OF SOUTH CAROLINA
In the Supreme Court of South Carolina

Appellate Case No. 2012-213542

RECEIVED

FEB 14 2013

S.C. Supreme Court

EUNICE McCALL, #314833 Petitioner,

vs.

STATE OF SOUTH CAROLINA Respondent.

**MOTION TO RECONSIDER, MODIFY, OR REVERSE
ORDER OF THE COURT**

The undersigned moves this Honorable Court for an Order to reconsider, modify, or reverse the decision pursuant to its Order in the above-captioned matter, dated February 12, 2013. This motion is based on the following, to wit:

1. In said Order, the Court concluded, in pertinent part:

... because it does not appear that counsel has fulfilled his duties under Rule 71.1(g), SCRCP, and Rule 602(e), SCRCP, by assisting petitioner in obtaining representation by the Division of Appellate Defense, the motion to be relieved as counsel is denied.

2. On December 5, 2012, Notice of Intent to Appeal was filed and properly served on the Office of the Attorney General and the Petitioner, Eunice McCall [hereinafter "the Petitioner"].

3. The Evidentiary Hearing Transcript was requested via letter, dated December 5, 2012, to Court Reporter Margaret T. Sullivan; and, said request was rescinded via letter to Ms. Sullivan dated January 22, 2013.

4. At the time the undersigned received the letter, dated December 14, 2012, from Appellate Defense Administrative Coordinator Sharon A. Graham regarding his representation of

the Petitioner and thereafter, counsel was negotiating with the mother of the Petitioner, Mrs. Vivian McCall, with regards to his attorney's fee for representation.

5. In a letter, dated January 17, 2013, the Petitioner was provided notice he was no longer represented by the undersigned; and, the Division of Appellate Defense would receive notice of same. Additionally, enclosed in said letter was an Affidavit of Indigency which the Petitioner was advised to complete and return to the undersigned.

6. The undersigned received a letter, dated January 23, 2013, from Mrs. Graham which reads, in pertinent part: ". . . I must assume you will be representing Mr. McCall in his appeal." In a letter, dated January 24, 2013, the undersigned advised Mrs. Graham of the delay in responding to her said letter as well as his the change of events in said matter.

7. The undersigned, in a letter dated January 25, 2013, reminded the Petitioner of the importance of returning the Affidavit enclosed in his letter of January 17, 2013. On January 29, 2013, having not heard from the Petitioner, Motion to Be Relieved As Counsel was filed and duly served on the Petitioner; Megan E. Harrigan, Esq., Assistant Attorney General; and, Ms. Sharon A. Graham, Administrative Coordinator for Appellate Defense.

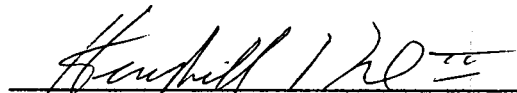
8. The undersigned counsel would respectfully aver that paragraphs 1 through 7 above clearly demonstrate diligence in handling this matter once it was determined the Petitioner did not have the ability to pay.

9. The undersigned would further aver to the Court that he is without funds to defray the cost associated with the appeal including, but not limited to, the court reporter, and printing of the Record and Brief; he would be required to do so; and, this would impose undue hardship.

WHEREFORE, the undersigned prays that this honorable Court would reconsider and reverse its Order in the above-captioned matter, dated February 13, 2013.

[SIGNATURE BLOCK ON NEXT PAGE]

Law Office
of
HEMPHILL P. PRIDE II, LLC



Hemphill P. Pride II
Post Office Box 4529
Columbia, South Carolina 29240
(803) 256-8015
e-mail hppride@bellsouth.net

ATTORNEY FOR PETITIONER

February 14, 2013.

