

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Horry County

Honorable Kristi F. Curtis, Circuit Court Judge

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BRUCE A. HILL,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2019-001695

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MOTION FOR APPOINTMENT  
OF OUTSIDE COUNSEL

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Undersigned counsel respectfully moves this Court to appoint outside counsel to represent Petitioner Bruce Hill in his appeal from the denial of his application for post-conviction relief (PCR)

1. Petitioner was indicted on two counts of murder and one count of burglary in the first degree. App. 932 - 937. He proceeded to trial before the Honorable Steven H. John on September 12, 2011. Ronald Hazzard represented Petitioner. App. 1

2. Petitioner was found guilty, and Judge John sentenced petitioner to life imprisonment for the two murder charges and thirty years' imprisonment concurrent the burglary offense. App. 595; App. 603.

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3. Petitioner subsequently filed an application for post-conviction relief. App. 691. A post-conviction relief hearing was held on November 27, 2018 before the Honorable Kristi F. Curtis. Matthew Swilley represented petitioner. Johnny James, Jr. was the Assistant Attorney General. App. 784.

4. Judge Curtis filed an order of dismissal on September 11, 2019. App. 893. Since petitioner was indigent, the appeal came to the Office of Appellate Defense, and the undersigned was assigned the case.

5. In speaking with Chief Appellate Defender Robert Dudek about this case for the first time today, July 31, 2020, undersigned counsel was told by the Chief Appellate Defender Dudek that a conflict of interest exists such that this office cannot represent Petitioner on appeal. Undersigned counsel now understands that Chief Appellate Defender Dudek represented Richard Gagnon on appeal after Mr. Gagnon had previously been convicted during a separate trial of the murder of the same two victims in this case. Mr. Gagnon's case was remanded by the Court of Appeals to the Court of General Sessions in Horry County for a hearing on a motion for a new trial based on after-discovered evidence before the trial judge, the Honorable Steven H. John. During Counsel Dudek's representation of Mr. Gagnon on the motion for a new trial based on after-discovered evidence he interviewed Petitioner Hill, with Hill's appointed lawyer in attendance, in a Tennessee prison in preparation for the Gagnon remand hearings. Mr. Gagnon was granted a new trial based on after-discovered evidence by Judge John after the remand hearings.

6. Undersigned counsel believes that outside counsel should be appointed to represent Petitioner on appeal given the above. Counsel regrets not knowing of this potential conflict of interest or conflict of interest earlier but today was the first time he began to talk to the Chief Appellate Defender about this case. The Chief Appellate Defender, upon hearing Petitioner Hill's

name and Richard Gagnon's name in conjunction, immediately told undersigned counsel that Appellate Defense had a conflict of interest, and that undersigned counsel needed to move this Court to appoint outside counsel.

7. Undersigned counsel can provide this Court additional specificity if desired by this Court prior to it ruling on this motion for the appointment of outside counsel.

WHEREFORE, undersigned counsel respectfully requests the appointment of outside counsel to represent Petitioner in his appeal before this Court of the post-conviction relief court's order denying him PCR relief. Undersigned counsel also requests that this Court hold the timelines for filing the petition for writ of certiorari and appendix in abeyance pending a decision on this motion. If the motion for outside counsel is granted, undersigned counsel will immediately turn over his file and the compiled appendix to newly appointed counsel.

Respectfully submitted,

s/Taylor D. Gilliam  
Taylor D. Gilliam  
Appellate Defender

ATTORNEY FOR PETITIONER

This 31st day of July, 2020