

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Orangeburg County

Honorable Edgar W. Dickson, Circuit Court Judge

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ADRIENNE RANDOLPH,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2020-000788

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**MOTION TO WITHDRAW THE PETITION FOR WRIT OF CERTIORARI AND  
APPENDIX AND FILE AN AMENDED PETITION FOR WRIT OF CERTIORARI AND  
APPENDIX**

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Counsel for Petitioner, Adrienne Randolph, respectfully requests that this Court allow counsel to withdraw the petition for writ of certiorari and appendix that were filed in this case on November 23, 2020, and allow counsel to file an amended petition for writ of certiorari and appendix within ten (10) days of this Court's ruling on the motion. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix were filed with the Court on November 23, 2020. The issue raised in the petition challenges the fact that a judge who did not preside over the post-conviction relief hearing signed the order of dismissal. In the petition counsel asked this Court to grant Petitioner a new post-conviction relief hearing so that a judge can make

findings of fact, conclusions of law and determinations as to credibility, based on the evidence and testimony that judge would hear during the evidentiary hearing.

2. On March 31, 2021, opposing counsel, Assistant Attorney General Benjamin Limbaugh, provided counsel with a copy of an e-mail showing that another assistant attorney provided the judge who signed the order of dismissal, the Honorable Edgar W. Dickson, with a copy of the transcript of the post-conviction relief hearing heard by the Honorable Kristi Harrington. Assistant Attorney General Limbaugh proposed supplementing the appendix with the e-mail.

3. Counsel was not aware of the e-mail at the time that the petition for writ of certiorari and accompanying appendix were filed. Counsel does not oppose including the e-mail in an amended appendix but would like the opportunity to address the issue in light of the e-mail. Counsel respectfully requests that this Court allow counsel to withdraw the petition for writ of certiorari and appendix filed November 23, 2020, and allow counsel to file an amended petition for writ of certiorari and appendix, to include the referenced e-mail, within ten (10) days of this Court's ruling on the motion.

4. Counsel makes this request in good faith and not for purpose of delay.

5. Opposing counsel, Assistant Attorney General Benjamin Limbaugh, has graciously consented to this motion to withdraw the petition for writ of certiorari and appendix that were filed in this case on November 23, 2020, and allow counsel to file an amended petition for writ of certiorari and appendix within ten (10) days of this Court's ruling on the motion.

Based on the above showing, counsel for Petitioner, Adrienne Randolph, respectfully requests that this Court allow counsel to withdraw the petition for writ of certiorari and appendix that were filed in this case on November 23, 2020, and allow counsel to file an amended petition for writ of certiorari and appendix within ten (10) days of this Court's ruling on the motion.

Counsel respectfully requests that all filing deadlines be held in abeyance until this Court has had the opportunity to rule on the motion.

Respectfully submitted,

s/ Jessica M. Saxon

Jessica M. Saxon  
Appellate Defender

Attorney for Petitioner

This 31<sup>st</sup> day of March, 2021.