



# ATKINSON LAW FIRM, LLC

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Attorney at Law  
Certified Family Mediator  
Guardian ad Litem

December 2, 2021  
VIA US MAIL AND E-FILING

**RECEIVED**

DEC 08 2021

**SC Court of Appeals**

Chief Deputy Clerk V. Claire Allen  
Court of Appeals of South Carolina  
P.O. Box 11629  
Columbia, SC 29211

RE: Johnell Richardson vs. State of South Carolina  
Docket No: 2020-CP-21-1467  
Your Appellate Case Number: 2021-000905

Dear Ms. Allen,

Pursuant to my conversation with the clerk assigned to my file (Mary Kaitlin Singleton), I am e-filing and mailing a request to you for an extension on the appellant's initial brief and designation of matter from your letter of November 5, 2021. My understanding is that would have been due on Monday, December 6. Because of the intricacies of this case, I would like to request a 60 day extension as I ask you to look at some of the other factors mentioned herein below.

Initially, this was filed as a habeas corpus by my client in the Florence County court. The judge summarily dismissed it and labeled it as an attempt at a second postconviction relief action without any hearing on the matter. It was indicated by the State, and agreed by the judge, that this was an action that should have taken place in the original jurisdiction of the Supreme Court.

In the interim, my client had been moved from Perry Correctional Center to Broad River Correctional Institution. I had no immediate means to communicate with him and had to preserve his right to appeal with no way of informing him that I might have agreed the case should be withdrawn and filed in the Supreme Court's jurisdiction. Subsequently, this triggered me to have to serve as his appellate counsel. I have had no experience in your court for the past 20 years save and except an appellate writing course in law school. I had already talked with Mr. Dudek at Appellate Defense regarding copying them on all my materials so that they could take over the appeal if necessary. For whatever reason, that has not yet transpired.

I also informed the court through my affidavit and written explanation that I did not see any meritorious issues that needed to be briefed. That might resolve the matter at hand as well. However, I also asked that I be relieved as counsel in that filing in paragraph 17. I asked the

court to appoint appellate defense to oversee if there were any further measures that need to be taken to protect the client's interest.

I write today to receive initial confirmation that I may have an extension of 60 days and also to humbly request that you review my Affidavit of Written Explanation Pursuant to South Carolina Appellate Court Rule 203 along with the exhibits attached and the notice of appeal that was filed on or about August 20, 2021. I would greatly desire further guidance from the court as how to proceed in being relieved as counsel and having counsel specializing in the appellate arena to assist my client further. I've been practicing family law in Florence County for over 20 years and only ended up as counsel of record in an effort to protect my client's interest as he was moved to a new facility. He recently wrote to ask that I forward all of his paperwork which he says was detained at Perry Correctional Institution. On November 9, 2021, I did so. By copy of this letter I am also informing him of this communication.

As required, I am copying attorney Michael D. Davidson for the state and attorney Robert Dudek for the South Carolina Appellate Defense. I appreciate your quick attention to the request for extension as the Monday deadline is looming and I did not believe there were any issues to be briefed based on my Cauthen affidavit. Thank you for your consideration.

Sincerely,



Philip B. Atkinson

Cc: Johnell Richardson  
Michael D. Davidson, Esq.  
Robert Dudek, Esq.



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