

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Barnwell County

Honorable Edgar W. Dickson, Circuit Court Judge

RECEIVED

MAY 07 2013

S.C. Supreme Court

TERRY DAVIS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

Appellate Case No. 2012-212078

MOTION TO SEAL THE MOTION TO  
BE RELIEVED AS COUNSEL

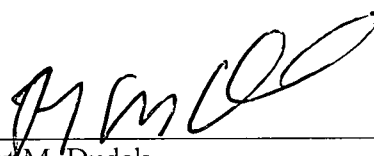
Counsel petitions this Court to seal the motion to be relieved as counsel in the above captioned case. The undersigned respectfully shows the Court:

1. On November 6, 2012, Petitioner Terry Davis filed a *pro se* Rule 60(B)(3), SCRCF motion which pertains to “fraud, misrepresentation, or other misconduct of an adverse party.” The motion was not timely because the notice of intent to appeal from the denial of PCR had already been filed. The Clerk of this Court, and Megan Harrigan from the Attorney General’s office, who was copied on the motion, sent letters explaining why the motion was improper.

2. Since that time there have been several attorney-client privileged correspondence between undersigned counsel (the attorney), and Petitioner Davis (the client) that are detailed in the motion to be relieved under seal involving the filing of that Rule 60 (B)(3), SCRCP motion, and other matters. The objectionable statements in those attorney-client privileged matters are the reason undersigned counsel desires to file the motion to be relieved under seal. The opposing party, the Office of Attorney General, is not entitled to know the objectionable contents of these communications. However, undersigned counsel cannot justify his motion to be relieved without revealing the objectionable material under seal with this Court.

WHEREFORE, Counsel respectfully requests that this Court grant his motion to seal the motion to be relieved as counsel on behalf of him, and this office, and he commends further proceedings to the discretion of this Court. Counsel also requests that the time to file the petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. M. Dudek', written over a horizontal line.

Robert M. Dudek  
Chief Appellate Defender

Attorney for Petitioner

This 7th day of May, 2013

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Barnwell County  
Honorable Edgar W. Dickson, Circuit Court Judge

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TERRY DAVIS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

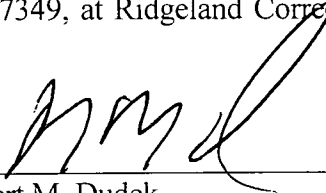
RESPONDENT.

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CERTIFICATE OF SERVICE

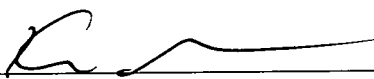
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The undersigned attorney hereby certifies that a true copy of the Motion to Seal the Motion to be Relieved as Counsel in the above-referenced case has been served upon opposing counsel, Megan Harrigan, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and upon Terry Davis, #197349, at Ridgeland Correctional Institution, this 7th day of May, 2013.

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me  
this 7th day of May, 2013.

  
\_\_\_\_\_  
(L.S.)  
Notary Public for South Carolina

My Commission Expires: October 2, 2013.



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Columbia, South Carolina 29201-3332  
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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

May 7, 2013

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MAY 07 2013

S.C. Supreme Court

The Honorable Daniel E. Shearouse  
Clerk, S.C. Supreme Court  
PO Box 11330  
Columbia, SC 29211

Re: Terry Davis v. State of South Carolina  
Appellate Case No. 2012-212078

Dear Mr. Shearouse:

Enclosed are an original and six copies of the Motion to Seal the Motion to be Relieved as Counsel that I am filing in the above-captioned case. I filed a motion to be relieved under seal on May 1, 2013. I was then informed that I needed to file a motion to file the motion to be relieved under seal. I am including another original and six copies of the sealed motion to be relieved. Thank you for your assistance in this matter, and please contact me if you have any questions or concerns.

Sincerely,

Robert M. Dudek  
Chief Appellate Defender

RMD/kam

Enclosure

cc: Megan Harrigan, Esquire  
Mr. Terry Davis, #197349