

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Abbeville County

Honorable Thomas A. Russo, Circuit Court Judge

RECEIVED

MAY 14 2013

S.C. Supreme Court

CLARENCE AUSTIN HARRISON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2012-212875

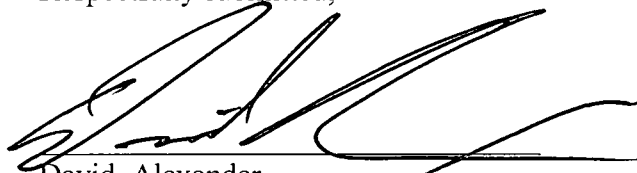
MOTION FOR APPOINTMENT
OF OUTSIDE COUNSEL

The undersigned respectfully shows the Court:

1. Petitioner Clarence Austin Harrison currently has an appeal from the denial of his PCR application pending before this Court. Petitioner was denied relief by the Honorable Thomas A. Russo on August 6, 2012. Petitioner's PCR attorney, Jennings B. Anderson, filed a timely notice of appeal on his behalf.
2. Petitioner alleged ineffective assistance of appellate counsel in his PCR application. His appellate attorney, Kathrine Haggard Hudgins, is still employed by this office.
3. Hudgins testified at the PCR hearing held before Judge Russo on June 7, 2012.

4. Judge Russo specifically addressed the issue of whether Hudgins was ineffective in his Order dismissing Petitioner's PCR Application.
5. Judge Russo made an adverse credibility finding against Petitioner and a favorable credibility finding as to Hudgins.
6. After a review of the testimony regarding this issue, counsel for Petitioner thinks that his continued representation of Petitioner could create the appearance of a conflict of interest and that Petitioner's best interests would be best served by appointing outside counsel to represent him in his appeal.
7. Counsel has informed J. Rutledge Johnson of the Attorney General's office of this motion and he has indicated that he consents to this request.
8. Counsel for Petitioner respectfully requests that the deadlines for this appeal be held in abeyance pending the Court's ruling on this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Alexander', written over a horizontal line.

David Alexander
Appellate Defender

Attorney for Petitioner

This 14th day of May, 2013

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Abbeville County

Honorable Thomas A. Russo, Circuit Court Judge

CLARENCE AUSTIN HARRISON,
PETITIONER,

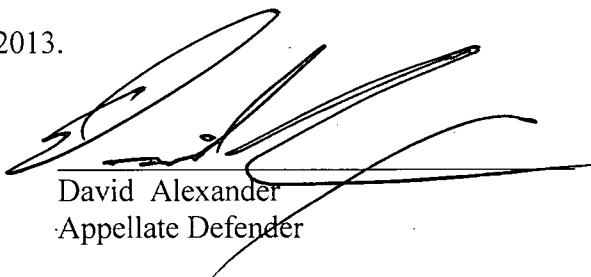
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CERTIFICATE OF SERVICE

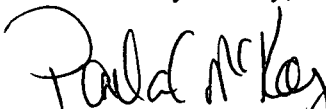
The undersigned attorney hereby certifies that a true copy of the Motion for Appointment of Outside Counsel in the above referenced case has been served upon opposing counsel, J. Rutledge Johnson, Esquire at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 and Clarence Austin Harrison, # 291401 at Perry Correctional Institution 430 Oaklawn Road Pelzer, SC 29669 this 14th day of May, 2013.



David Alexander
Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me
this 14th day of May, 2013.



Notary Public for South Carolina
My Commission Expires: July 24, 2022. (L.S.)



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

 ORIGINAL

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Post Office Box 11589
Columbia, South Carolina 29211-1589
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

May 14, 2013

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S.C. Supreme Court

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

Re: Clarence Austin Harrison v. State of South Carolina

Dear Mr. Shearouse:

Enclosed are an original and six copies of the Motion for Appointment of Outside Counsel in the above-captioned case. Thank you for your assistance in this matter.

Sincerely,



David Alexander
Appellate Defender

DAA/dlw

Enclosure

cc: J. Rutledge Johnson, Esquire
Mr. Clarence Austin Harrison