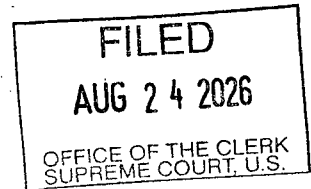


26-5593

ORIGINAL

No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Steven Clark LeFemine — PETITIONER
(Your Name)

VS.

United States of America — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

- 1) U.S. District Court for the District of South Carolina at Columbia
- 2) U.S. Court of Appeals for the Fourth Circuit

N/A ☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

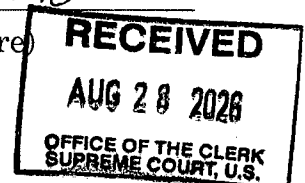
N/A ☐ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☒ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

N/A ☐ The appointment was made under the following provision of law: _____, or

☒ a copy of the order of appointment is appended.

Steve LeFemine
(Signature)



FILED: August 12, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4419
(3:23-cr-00117-JFA-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

STEVEN CLARK LEFEMINE

Defendant - Appellant

O R D E R

The court appoints the Federal Public Defender's Office for the District of South Carolina to represent Steven Clark Lefemine in this case.

For the Court--By Direction

/s/ Nwamaka Anowi, Clerk

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4419

UNITED STATES OF AMERICA,

Appellee,

vs.

STEVEN LEFEMINE,

Appellant.

**MOTION TO BE RELIEVED AS COUNSEL AND
TO APPOINT NEW COUNSEL**

Pursuant to Local Rule 46(c), Appellant Steven Lefemine, hereby moves this Court for an order relieving the Federal Public Defender's Office in the District of South Carolina, and further requests that new counsel be appointed to represent him on appeal. This motion is made based on the following grounds:

1. On August 12, 2024, the Federal Public Defender's Office in the District of South Carolina was appointed to represent Mr. Lefemine in a direct appeal.
2. The undersigned counsel was previously appointed to represent Mr. Lefemine on his federal charge. Later, counsel filed a motion for a hearing to determine status of counsel after Mr. Lefemine requested he be allowed to represent himself. The district court granted Mr. Lefemine's request that he proceed *pro se* on February 6, 2024. The undersigned counsel was appointed as Mr. Lefemine's standby counsel. Mr. Lefemine filed his own Notice of Appeal and did not wish for the Federal Public

Defender's Officer to be appointed to represent him on appeal. Mr. Lefemine requests that the Fourth Circuit appoint him a new attorney. Based on communications with Mr. Lefemine, the undersigned submits, upon information and belief, that she should be relieved from representing Mr. Lefemine.

3. Mr. Lefemine asks that this Court appoint him a new attorney, so his direct appeal rights are adequately protected and represented.

4. Counsel consulted with United States Attorney DeWayne Pearson, who consents to this motion.

For all the reasons set out above, present appellate counsel for Mr. Lefemine respectfully submits to this Court that the appropriate action in this case would be to relieve the Federal Public Defender's Office from further representation of Mr. Lefemine in this appeal and to appoint another attorney to represent him.

Respectfully submitted,

S/Jenny Draffin Smith

Assistant Federal Public Defender

Federal Public Defender's Office

1901 Assembly Street, Suite 200

Columbia, South Carolina 29201

Telephone: (803) 765-5076

Email address: Jenny_D_Smith@fd.org

ATTORNEY FOR APPELLANT

APPEAL NUMBER: 24-4419

Columbia, South Carolina
August 14, 2024

FILED: August 20, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4419
(3:23-cr-00117-JFA-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

STEVEN CLARK LEFEMINE

Defendant - Appellant

ORDER

The court grants the motion to withdraw as counsel on appeal.

The court appoints James Arthur Brown, Jr. to represent Steven Clark Lefemine on appeal. Counsel is referred to the **CJA Payment Memorandum** and the **CJA eVoucher Page** for information on appointment terms and procedures.

If preparation of transcript is necessary, CJA authorization for preparation of transcript is obtained by submitting an AUTH-24 request in the district eVoucher system. New appellate counsel must contact district eVoucher staff for appointment to the underlying district court case in order to submit the AUTH-24

request for district judge approval and the CJA 24 voucher for transcript payment. Counsel must also submit a Transcript Order Form to the court reporter and district court and file the same in the court of appeals with the docketing statement. Upon filing of the Transcript Order Form, the Fourth Circuit will set deadlines for completion of the transcript.

CJA 20 and 21 vouchers are submitted for payment through the Fourth Circuit's CJA eVoucher system. Upon receiving email notification of this appointment from eVoucher, counsel may create CJA 20 and 21 vouchers for use in maintaining time and expense records and paying for expert services.

In light of this appointment, appellate counsel is granted access to sealed district court material, with the exception of ex parte or in camera material. Any transcripts or record material sent to prior counsel shall be provided by prior counsel to newly appointed counsel. If record items are not available from former counsel, new counsel should contact the Fourth Circuit Appointments Deputy for assistance in obtaining these items.

The court having appointed new counsel for purposes of this appeal, any motion for further substitution of counsel shall be disfavored.

For the Court--By Direction

/s/ Nwamaka Anowi, Clerk