

IN COURT OF APPEALS {or Supreme Court }OF THE STATE OF MISSISSIPPI
2013-TS-xxxx-

(Appellant)

APPELLANT

v.

STATE OF MISSISSIPPI

APPELLEE

MOTION TO WITHDRAW AND TO SUBSTITUTE COUNSEL

COMES NOW, (defense counsel), attorney for Appellant, pursuant to MRAP Rules 6(b) and 46(c) and files this Motion to Withdraw and to Substitute Counsel and in support thereof would show unto the Court the following, to-wit:

1. The appeal in this case has been perfected.
2. By order of the trial court dated _____ the Appellant was declared to be indigent and authorized to proceed *in forma pauperis* on appeal; a copy of the order is attached hereto as Exhibit "A".
3. Counsel therefore request that he be allowed to withdraw and that George T. Holmes with the Indigent Appeals Division of the Office of State Public Defender be appointed as counsel of record for the Appellant.
4. An entry form for George T. Holmes is submitted with this motion pursuant to MRAP Rule 46(c).

[**If you are filing this motion after the briefing schedule is issued add a paragraph requesting that the briefing schedule be reissued upon substitution of counsel.**]

WHEREFORE PREMISES CONSIDERED, (defense counsel), prays that s/he be allowed to withdraw as counsel of record and that George T. Holmes with the Indigent Appeals Division of the Office of State Public Defender be substituted as counsel of record. [**If you are filing this

motion after the briefing schedule is issued add a request that the briefing schedule be reissued upon substitution of counsel.**]

Respectfully submitted,

/s/ defense counsel

(Defense counsel)

CERTIFICATE

I, (defense counsel), do hereby certify that I have this the ____ day of _____, 20__, electronically filed the foregoing Motion with the Clerk of the Court using the MEC system which issued electronic notification of such filing to Hon. Jason L. Davis, Assistant Mississippi Attorney General and Hon. George T. Holmes, Indigent Appeals Division, and, counsel also this day mailed a hard copy to the following persons not notified by the MEC system by U. S. Mail: (the appellant).

/s/ Defense counsel

{ Counsel's address etc. }