

Dated: Wed. Nov. 16<sup>th</sup> 2022

The Honorable Patricia A. Howard  
Clerk of the Supreme Court of South Carolina

P.O. Box 11330

Columbia, SC, 29211

**RECEIVED**

NOV 23 2022

SC Court of Appeals

RE: Mr. Levern McCrea #348291 - vs - State of South Carolina  
Appellate Case No: 2020-001426

Dear Mrs. Howard or Chief Deputy Clerk Brenda Shealy:

The Petitioner is in receipt of your letterhead dated November 10<sup>th</sup> 2022, received on November 14<sup>th</sup> 2022. Petitioner has several questions. It was clear and convincing evidence that the Supreme Court, made this ruling on February 23<sup>rd</sup> 2022, denying or depriving the Petitioner of his constitutional right to relieve counsel and proceed pro-se. You stated that Petitioner's motions are being forwarded to the SC. Court of Appeals. Petitioner is asking why? Because, this judgment that Petitioner's motion for relief from judgment belongs to the jurisdiction of the SC. Supreme Court.

Petitioner understands that this case is pending in the S.C. Court of Appeals. under Appellate Case No: 2020-001426. Petitioner's motions were made in the S.C. Supreme Court, where the judgment came

---

from to determine whether or not, the Petitioner has a federal or state constitutional right to proceed pro-se and the right to request relieve of counsel.

In your letter, there were two names listed at the bottom. Jonathan D. Waller, Esquire, and D. Russell Barlow, II, Esquire. Can you please send back a date stamped copy? Also, the Petitioner has no recollection of the two named parties.

Petitioner asserts that the S.C. Court of Appeals, has no jurisdiction to rule on his motions before the S.C. Supreme Court, and cannot grant the relief requested!

Dated: NOV 16, 2022

cc: Jonathan D. Waller, Esquire  
D. Russell Barlow, II, Esquire

Respectfully submitted,  
Mr. Levern McCrea  
Mr. Levern McCrea, #348891  
A.C. Bamberg Unit F-4 B-32  
P.O. Box 1151  
Fairfax, SC 29827  
Pro-Se Petitioner



# The Supreme Court of South Carolina

PATRICIA A. HOWARD  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA  
29211

1231 GERVAIS STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1080  
FAX: (803) 734-1499  
[www.sccourts.org](http://www.sccourts.org)

November 10, 2022

Mr. Levern McCrea, #348291  
ACI. Bamberg Unit F-4 b #32  
PO Box 1151  
Fairfax, SC 29827

Dear Mr. McCrea:

This office is in receipt of your "Petitioner's Motion for Relief from Judgment/Motion to Relieve Counsel" dated November 7, 2022. Since your case is pending at the court of appeals, your motion is being forwarded to that court. For your future reference, the appellate case number is 2020-001426 at the court of appeals.

Very truly yours,

CHIEF DEPUTY CLERK

cc: Jonathan D Waller, Esquire  
D Russell Barlow, II, Esquire

# The Supreme Court of South Carolina

Levern McCrea, Petitioner,

v.

---

State of South Carolina, Respondent.

Appellate Case No. 2020-001426

---

## ORDER

---

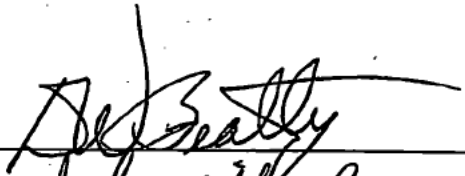
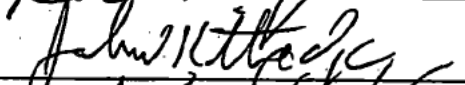
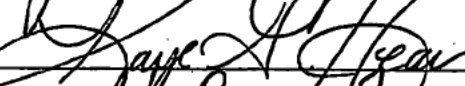
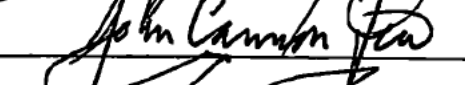

In 2019, Petitioner was granted post-conviction relief (PCR) on one issue raised in his PCR application but denied relief as to the remaining issues. Petitioner was represented at the PCR hearing by retained counsel, but the case was subsequently assigned to the Commission on Indigent Defense, Division of Appellate Defense, which represents Petitioner at present. The State filed a Rule 59(e), SCRCP, motion to alter or amend the PCR court's order, which was granted, thereby denying Petitioner PCR relief. Counsel for Petitioner subsequently filed a notice of appeal, and Appellate Defender Taylor D. Gilliam has filed a petition for a writ of certiorari on Petitioner's behalf raising two issues.

Petitioner has filed a *pro se* "Motion to have Appellate Counsel Relieved" and asks that he be allowed to proceed *pro se*. This Court has held that there is no federal or state constitutional right to proceed *pro se* on direct appeal

from a criminal conviction, but instead the decision is in the discretion of the Court. *State v. Roberts*, 364 S.C. 583, 614 S.E.2d 626 (2005). The Court has applied that holding in appeals from the denial of PCR as well. Gilliam has not filed a return to Petitioner's motion. The State has filed a response to Petitioner's motion arguing Petitioner's disagreement with his counsel over which issues to raise on appeal does not constitute grounds to relieve counsel.

After considering this information, Petitioner's motion to relieve counsel and proceed *pro se* is denied.

IT IS SO ORDERED.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina  
February 23, 2022

cc:  
Taylor Davis Gilliam, Esquire  
David A. Spencer, Esquire  
The Honorable Jenny Abbott Kitchings

Mr. LEVERN McCrea  
#348291 BBB-32  
Allendale Court Inst. Co.  
Post office Box 1151  
Fairfax, S.C 29827

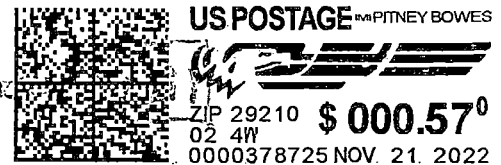
INTER AGENCY

RECEIVED

NOV 23 2022

SC Court of Appeals

SOUTH CAROLINA COURT OF APPEALS  
Ms. JENNY A. Kitching (Clerk)  
P.O. Box 11629  
Columbia, S.C 29211



LEGAL MAIL

