

The Supreme Court of South Carolina
Honorable Clerk Patricia A. Howard
P.O. Box 11330
Columbia, S.C. 29211

RECEIVED
MAY 30 2023
S.C. SUPREME COURT

Dear Honorable Clerk Patricia A. Howard:

In response to your May 18, 2023, letter denying the docketing of Appellants' Notice of Appeal from the Deputy Clerk of the S.C. Court of Appeals, on behalf of the Honorable Judge Lockemy, on the grounds that Appellants are represented by counsel and the matter is pending in the S.C. Court of Appeals, there is a misunderstanding that needs to be addressed as to the circumstances and law of this case.

The Notice of Appeal that was filed pursuant to S.C. Court of Appeals was filed because Appellants Terron Dizzley, Gwendolyn B. Frasier and LaQuesha Felder are all parties to the case that has been filed since October 28, 2021. However, the S.C. Court of Appeals order denies Appellants Gwendolyn B. Frasier and LaQuesha Felder of their First and Fourteenth Amendment rights to access the court, right to due process, and State statutory right to appeal their case, claiming that they are not parties to the appeal.

According to clearly established S.C. law, S.C. Code Ann. sec. 14-3-330 (1976 & Supp. 2003), the S.C. Court of Appeals order is "immediately appealable," because the Court's order affects substantial rights. According to the law, Appellants "must" appeal this order "immediately" or their rights may be waived to raise them pursuant to a later appeal. Therefore, Appellants had to timely appeal the Court of Appeals order.

Appellants contend that they also had a Motion to Relieve "retained" Attorney, William G. Yarborough, and proceed pro se pending, which had not been ruled on when they received the order denying Appellants Gwendolyn B. Frasier and LaQuesha Felder their rights to appeal their case as parties to the appeal. However, Appellants have recently received an order denying their motion to relieve counsel. Attorney Yarborough was only retained to represent Appellants pursuant to a November 17, 2022, hearing, and Appellants did not agree to retain Attorney Yarborough for appeal. This order which Appellants now are also appealing is also "immediately appealable," because the Court's order affects substantial rights, namely, Appellants Sixth Amendment right to "counsel of choice", and "self-representation."

According to the law, Appellants "must" also "immediately appeal" this order, or Appellants may waive their right to appeal this very serious issue on a later appeal. See: Hagwood v. Somerville, 362 S.C. 191 (2005), " In a matter of first impression, an order granting motion to disqualify party's attorney in civil case affects substantial right and may be immediately appealed; order granting motion to disqualify party's preferred attorney must be immediately appealed or any later objection in subsequent appeal will be waived." Appellants also contend that according to Foster v. State, 298 S.C. 306 (1989), "hybrid representation" does not apply to pro se litigants filing a motion to relieve counsel.

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