

The South Carolina Court of Appeals

The State, Respondent,

v.

Amos Lorenzo Myers, Appellant.

Appellate Case No. 2024-000046

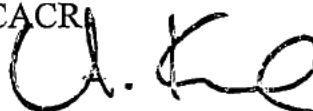
ORDER

On January 11, 2024, Appellant filed a pro se notice of appeal, challenging his criminal convictions and sentences. This court thereafter sent a letter to trial counsel, advising him of various deficiencies with the notice of appeal. Counsel wrote back, stating, "The appeal did not stem from my office, as I saw no appealable issues. Please direct all further correspondence to [Appellant]." Although this court advised counsel that he continued to be counsel of record for Appellant unless relieved by this court and directed him again to correct the deficiencies, counsel has failed to respond. *See* Rule 602(e)(1), SCACR ("Trial counsel, whether retained, appointed, or Public Defender, shall continue representation of an accused until final judgment, including any proceeding on direct appeal, except as hereinafter provided."); *In re Matter of Anonymous Member of the Bar*, 303 S.C. 306, 307-08, 400 S.E.2d 483, 483-84 (1991) ("[U]nder Rule 1.16 of the Rules of Professional Conduct, counsel is required to take all necessary steps as may be reasonably practicable to protect the client's interests. The requirement to take reasonable steps to protect the client requires counsel retained only for the trial to serve and file the Notice of Appeal and to continue to represent the client until relieved by this Court under Rule 235, SCACR.>").

Appellant has now requested that trial counsel be relieved and for this court to appoint counsel to represent him for purposes of this appeal.¹ However, because

¹ As to Appellant's allegations regarding trial counsel's ineffectiveness, those

the notice of appeal was not timely served, this court does not have jurisdiction to hear this appeal. Appellant was sentenced on October 18, 2023, but did not file his notice of appeal until January 11, 2024 and failed to file proof of timely service on Respondent. *See* Rule 203(b)(2), SCACR ("After a plea or trial resulting in conviction or a proceeding resulting in revocation of probation, a notice of appeal shall be served on all respondents within ten (10) days after the sentence is imposed."); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served."). Accordingly, this appeal is dismissed. The remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

cc:

Amos Lorenzo Myers, 00392237
Barry Scott Suggs, Esquire
Robert Michael Dudek, Esquire
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FILED
Apr 09 2024

claims would be more appropriately set forth in an application for post-conviction relief. *See* S.C. Code Ann. § 17-27-10 et seq. (2014) (the PCR Act); *Al-Shabazz v. State*, 338 S.C. 354, 363, 527 S.E.2d 742, 747 (2000) ("In a direct appeal, the focus generally is upon the propriety of rulings made by the circuit court in response to a party's motions or objections. In PCR, the focus usually is upon alleged errors made by trial or plea counsel."); *see also White v. State*, 263 S.C. 110, 113, 208 S.E.2d 35, 36 (1974) (allowing belated review of PCR applicant's direct appeal issue after finding counsel failed to perfect an appeal on his behalf or ensure that applicant knowingly and intelligently waived his right to an appeal).