

ORIGINAL



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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

August 19, 2013

The Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
AUG 19 2013
SC Court of Appeals
Lyn

Re: State v. Ricky Dean Duncan, Appellate Case No. 2012-213472

Dear Ms. Kitchings:

I received a letter from Mr. Duncan today. On August 1, 2013, Mr. Duncan tried to file a "motion to amend appeal" with the South Carolina Supreme Court. At the time, Mr. Duncan had not received my letter dated July 30, 2013 informing him that his case had been transferred to the Court of Appeals. It appears the Supreme Court sent the material to you. On August 9, 2013, Deputy Clerk V. Claire Allen wrote to Mr. Duncan refusing to accept his filing in light of his being represented by counsel. Please find enclosed Mr. Duncan's motion to amend appeal and certificate of service. I ask that this court construe this as a pro se petition, which he is allowed to file due to my having filed a petition pursuant to Johnson.

If you have further questions, do not hesitate to contact me.

Sincerely,

Susan B. Hackett
Appellate Defender

SBH/eab

Enclosure: Motion to Amend Appeal

cc: John Walt Whitmire (w/ enclosure)
Ricky Duncan (w/ enclosure)

Date 8-13-13

Dear miss Hackett,

I am writing to you in regards to a motion I sent to the
appellate court case No. 2012-213472.

I ask the courts to amend appeal. and this is what they sent me
back. will you please amend this issue and submit it to
the appeals court this will be all I will ask you to do
concerning my issues I argued at P.C.R hearing.

Very truly yours,

Picky Dean Duncan

RECEIVED

AUG 19 2013

SC OFFICE OF
APPELLATE DEFENSE

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STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

AUG 01 2013

Appeal From oconee county
S.C. SUPREME COURT ifton Newman, circuit court Judge

RICKY DEAN DUNCAN,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate case No. 2012-213472

MOTION TO AMEND APPEAL

I RICKY DEAN DUNCAN am the Pro-se PETITIONER whom will show cause to vacate the sentence OF Judge Alexander S. Macaulay. I never waived my indictment I was indicted under C.D.R code 0019, I was sentenced under CDR code 1151 without the judge amending the indictment or reindicting me which made the judge use another enhancement. A measure is an ex post facto law when it retroactively alters the definition of a crime or increases the punishment for a crime U.S.C.A. CONST. ART. I § 10 cl 2; CONST. ART. I § 4. ANY changes done in the sentencing sheet should have been nished by the judge. The sentencing judge should have made it apart of the record that he was changing my CDR code in which increase my time, and violated ex post facto law!! Also my due process. And showed vandyctiveness in sentencing.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEALS FROM OCONEE COUNTY
CLIFTON NEWMAN, CIRCUIT COURT JUDGE

RICKY DEAN DUNCAN,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

I certify that a true copy of the motion to amend the appeal in this case have been served on John Walt Whitmire, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201. This 30 day of July, 2013.

SWORN TO BEFORE ME this 30th day of July, 2013

Ricky Dean Duncan
Appellate
Pro-se

Paula Hays
Notary Public for South Carolina

My Commission Expires: 4-27-2016

RECEIVED

AUG 01 2013

S.C. SUPREME COURT

Date 7-26-13

Dear Mr. Shearouse,
will you please forward this Amended motion
to the proper office. Thank you so much for
the professional service you give to us.

God Bless
Ricky D. Duncan



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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August 09, 2013

Ricky Dean Duncan, #110304
Turbeville Correctional Institution
P O Box 252
Turbeville SC 29162

Re: Ricky Dean Duncan v. State
Appellate Case No. 2012-213472

Dear Mr. Duncan:

The Court has received your Motion to Amend Appeal. Because you are represented by counsel, we are returning your filings to you. See *Miller v. State*, 388 S.C. 347, 347, 697 S.E.2d 527, 527 (2010) ("Since there is no right to 'hybrid representation' that is partially pro se and partially by counsel, substantive documents, with the exception of motions to relieve counsel, filed pro se by a person represented by counsel are not to be accepted unless submitted by counsel.").

Very truly yours,

V. Claire Allen

DEPUTY CLERK

cc: Susan Barber Hackett
John Walter Whitmire