

THE LAW OFFICE OF
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A PROFESSIONAL CORPORATION

October 4, 2013

The Honorable Daniel Shearouse
South Carolina Supreme Court, Clerk of Court
Supreme Court Building
1231 Gervais Street
P.O. Box 11330
Columbia, SC 29211

RECEIVED

OCT - 4 2013

S.C. Supreme Court

RE: Withdrawal of waiver of appeal by Quincy Allen

Dear Mr. Shearouse,

Mr. Allen hereby withdraws his June 14, 2013 request to waive his capital appeals. We are submitting this letter and two attachments for the Court's consideration in light of Quincy Allen's written request, dated June 14, 2013, to waive further challenge of his capital sentence. This Court, by order dated June 18, 2013, remanded the case for purposes of determining whether Mr. Allen is competent to abandon his PCR application. Attached to this letter is Mr. Allen's subsequent request, dated September 16, 2013, to withdraw the June 14, 2013 alleged waiver and proceed with his post-conviction relief proceeding conditioned upon the substitution of counsel, which is an *ex parte* matter pending with Judge Cothran that we anticipate will be approved. Also attached is a letter from Mr. Allen, which was written today, that unconditionally withdraws the June 14, 2013 waiver request. In sum, Mr. Allen does not wish to withdraw his post conviction appeals, and he does wish to pursue his PCR.

We ask the Supreme Court of South Carolina to vacate or rescind its June 18, 2013 order for Judge Cothran to conduct a competency hearing in this case. This issue is now moot. Mr. Allen is currently scheduled for a competency evaluation at the Department of Mental Health on October 14, 2013 to determine if he is competent to waive his appeals. Since Mr. Allen no longer seeks to withdraw his appeals, this evaluation is unnecessary. Furthermore, since Mr. Allen is presumed competent under South Carolina law to pursue his PCR, an evaluation is not appropriate. See *State v. Motts*, 391 S.C. 635, 652-653 (2011).

For these reasons, Mr. Allen requests that the South Carolina Supreme Court permit him to pursue his PCR and to moot or rescind the June 18, 2013 order for a competency evaluation.

Respectfully submitted,



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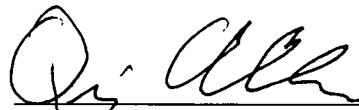
Counsel for Quincy Allen

ATT: September 16, 2013 letter
October 4, 2013 letter

CC: The Honorable R. Ferrell Cothran, Jr.
Don Zelenka, Esq.
Melody J. Brown, Esq.

I, Quincy Jovan Allen, SCDC #6019, hereby declare that I wish to **withdraw** my waiver of my right to challenge my convictions and death sentence, and **do wish to go forward** with my right to a post-conviction relief proceeding pursuant to S.C. Code Ann. § 17-27-160 (2003).

Dated 9/16/, 2013.

A handwritten signature in black ink, appearing to read "Quincy Allen", written over a horizontal line.

Quincy Jovan Allen

SC Supreme Court

10/4/13

I do not wish to waive my appeals any longer.
I wish to pursue my PCR if Elizabeth Franklin-Best
is my attorney.

Sincerely Yours,

Quincy Allen

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