

The Supreme Court of South Carolina

Meleik Lamont Roach, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-001527

ORDER


On April 11, 2011, petitioner pled guilty to one count of trafficking heroin and three counts of distribution of heroin. He was sentenced to nine years' imprisonment for the trafficking charge and five years' imprisonment, to be served concurrently, for each distribution charge. No direct appeal was taken.


On December 12, 2011, petitioner filed an application for post-conviction relief (PCR). The circuit court granted petitioner's request to petition for a belated review of his direct appeal issues, but found all other issues in the PCR application were successive and untimely.¹ Petitioner has filed a notice of appeal from that order.


Petitioner moves to relieve counsel and proceed *pro se* so that he can file a *pro se* motion with this Court requesting his appeal be held in abeyance or dismissed without prejudice. Petitioner's request to hold the appeal in abeyance or dismiss the appeal without prejudice is based on his desire to file a Rule 29(b), SCRCrimP, motion in the circuit court and his concern, based on information provided by the Horry County Clerk of Court, that the Rule 29(b) motion cannot be filed or entertained while petitioner's appeal is pending before this Court. However, the appeal pending before this Court involves petitioner's guilty pleas to trafficking

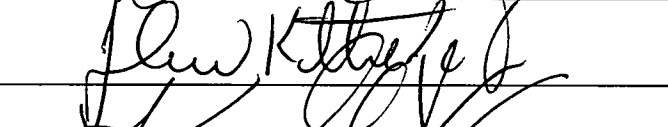
¹ The application was clearly timely, as petitioner pled guilty on April 11, 2011. In addition, the finding of successiveness was erroneous, as it was based on a PCR application petitioner filed in August 2010 regarding a guilty plea he entered in 2009 to one count of assault and battery of a high and aggravated nature (ABHAN) and two counts of armed robbery, not the drug charges that are the subject of the 2011 PCR action.


heroin and distribution of heroin, which were entered in 2011. Petitioner has indicated that the Rule 29(b) motion involves different guilty pleas; specifically, his guilty pleas to assault and battery of a high and aggravated nature and armed robbery, which were entered in 2009. Accordingly, there is no need for the appeal pending before this Court to be suspended before petitioner can proceed with the Rule 29(b) motion in the circuit court. We therefore deny the motion to relieve counsel and proceed *pro se* since the motion petitioner seeks to file *pro se* in this Court - the motion to hold the appeal in abeyance - is unnecessary and would be denied.


C.J.


J.


J.


J.


J.

Columbia, South Carolina

October 3, 2013

cc:

Tyson A. Johnson, Sr.
Robert Michael Dudek
Meleik Roach, 336878