



The Supreme Court of South Carolina

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October 9, 2013

Mr. Benjamin Nabors, #233844
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

Re: Benjamin Nabors v. State
Appellate Case No. 2013-001797

Dear Mr. Nabors:

This responds to your correspondence dated September 17, 2013. Enclosed is an order issued on that correspondence.

As to the costs of providing the documents that have been filed with this Court in the above matter and in 2013-001195, I can provide a copy for the following amounts in each case. This represents the cost of copying at 25 cents a page plus a mailing fee.

Case	Number of Pages	Cost (including mailing fee)
2013-001797	488	\$141.20
2013-001195	1156	\$335.00

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providing these documents would primarily benefit the general public, I decline to provide copies without charge.

Very truly yours,

Daniel L. Shearouse
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Enclosure

cc: James Rutledge Johnson, Esquire
Robert Michael Dudek, Esquire

The Supreme Court of South Carolina

Benjamin Nabors, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-001797

ORDER

Petitioner has filed a *pro se* document with this Court dated September 17, 2013. This document was received by this Court on September 30, 2013.

In this document, petitioner indicates that he has a conflict of interest with his counsel. To the extent that this may be a request to relieve his counsel, this request is denied.¹

¹ In part, petitioner appears to be dissatisfied that his counsel from the Division of Appellate Defense has not provided funds for an investigator and has not ordered various transcripts, including a family court transcript. This Court reminds the petitioner that this matter is an appellate proceeding and the sole issue before this Court is whether the post-conviction relief (PCR) judge committed error in denying relief. In making that determination, this Court will only consider evidence or materials that were part of the record before the PCR judge. Rule 243(f), SCACR (appendix shall include an index, the order(s) on appeal and the entire record before the lower court).

Since evidence or materials that were not before the PCR judge cannot be considered by this Court, there is simply no need for investigative services in this appellate proceeding. Further, except for the transcript of the hearings held in this PCR case (which appear to have been ordered by Appellate Defense), the transcripts from any other hearings cannot be considered by this Court unless they were part of the record before the PCR judge.

To the extent that this document may be seeking any other relief from this Court, no action will be taken on it since petitioner is represented by counsel in this matter. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).



C.J.

FOR THE COURT

Columbia, South Carolina
October 9, 2013

cc: James Rutledge Johnson, Esquire
Robert Michael Dudek, Esquire