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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

May 23, 2025

The Honorable Patricia A. Howard
Clerk of the South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RE: Tyrell Woods v. State of South Carolina – Appellate Case No. 2025-001014

Dear Ms. Howard:

Earlier today, the State received a pro se petition for a writ of certiorari submitted by the petitioner, Tyrell Woods, in the above-referenced post-conviction relief appeal. Please accept this letter in lieu of a formal return.

Through his pro se petition, Woods—following the Court of Appeals’s issuance of an order *denying* his earlier petition for a writ of certiorari and while currently being represented by appellate counsel in this matter—asks this Court to grant a writ of certiorari in his case, review the record in full, reverse the decision of the Court of Appeals, and either vacate his conviction in total, remand the matter for a new trial, or remand the matter for a new evidentiary hearing of some sort. Notwithstanding any merits-based deficiencies with the arguments Woods has made in support of those requests, there are multiple procedural problems with Woods’s pro se petition that necessitate its rejection by this Court.

First, as this Court has previously held, a petition for a writ of certiorari will not be entertained by this Court from a Court of Appeals order denying a writ of certiorari in a post-conviction relief appeal. Ellison v. State, 382 S.C. 189, 191-192, 676 S.E.2d 671, 672 (2009).

Second, a petition for a writ of certiorari may not be filed pursuant to Rule 242 of the South Carolina Appellate Court Rules unless and until a petition for rehearing has first been acted on by the Court of Appeals. Rule 242(c), SCACR. Here, no petition for rehearing—timely or otherwise—appears to have been filed following the Court of Appeals’s denial of Woods’s petition for a writ of certiorari. Therefore, even assuming the rule from Ellison was somehow not controlling, Woods’s submission of his pro se petition for a writ of certiorari to this Court was premature and improper under the circumstances involved.

Third, because Woods is a represented party in this appeal, Woods’s pro se petition—which is unquestionably a substantive filing—was and is improper since it was not made through counsel. See Jones v. State, 348 S.C. 13, 14, 558 S.E.2d 517, 517 (2002) (“There is no

constitutional right to hybrid representation either at trial or on appeal.”); cf. 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. Because petitioner was represented by counsel, the pro se motion was not proper, should not have been accepted, and should not have been ruled upon. The motion was essentially a nullity.” (citations omitted)).

For all those reasons, this Court should reject Woods’s pro se petition for a writ of certiorari as an improper filing and dismiss his latest attempt to appeal the post-conviction relief judge’s order of dismissal.

Meanwhile, because Woods is a represented party in the matter to which his pro se petition relates, the State believes it is prohibited from engaging in direct communications with Woods at this time. Rule 4.2, RPC, Rule 407, SCACR. Based on that, the State respectfully asks Woods’s counsel, Elizabeth A. Franklin-Best, Esquire, to share the State’s response to the pro se petition with her client.

Thank you very much, and, if you should have any questions or concerns or if a more formal return is desired, please do not hesitate to contact me.

Sincerely,



Mark R. Farthing
Senior Assistant Deputy Attorney General
S.C. Bar Number 76901

MRF/

cc: Elizabeth A. Franklin-Best, Esq. (via email)
The Honorable Jenny A. Kitchings (via email)
Victim Advocacy Division