

IN THE SUPREME COURT OF SOUTH CAROLINA

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SEP 17 2025

SC Court of Appeals

RUSSELL LEWIS WALKER, Petitioner,

v.

JENNY ABBOTT KITCHINGS, in her official capacity as Clerk of the South Carolina

Court of Appeals, Respondent.

**PETITION FOR A WRIT OF MANDAMUS (Appellate Case No. 2024-000643)**

Petitioner, Russell Lewis Walker, appearing pro se, respectfully petitions this Honorable Court for a Writ of Mandamus directed to the South Carolina Court of Appeals, compelling it to perform its clear ministerial duty to hear and rule upon the long-pending motions to relieve counsel in the above-referenced appellate case. In support of this petition, Petitioner states as follows:

**JURISDICTION**

1. This Court has original jurisdiction to issue writs of mandamus to all courts and other public officers within the State pursuant to Article V, § 5 of the South Carolina Constitution.

**PARTIES**

2. Petitioner Russell Lewis Walker is the Appellant in *The State v. Russell L. Walker*, Appellate Case No. 2024-000643, currently pending before the South Carolina Court of Appeals.
3. Respondent Jenny Abbott Kitchings is the Clerk of the South Carolina Court of Appeals and is responsible for the administration of that court's docket and the processing of filings, including the issuance of letters on behalf of the court.

**STATEMENT OF FACTS**

4. On or about July 18, 2024, Petitioner's appointed appellate counsel, Wanda H. Carter of the South Carolina Commission on Indigent Defense, filed a petition to be relieved as counsel in Petitioner's appeal.
5. For approximately fourteen (14) months, the Court of Appeals has failed and refused to rule on Ms. Carter's petition.
6. On or about September 4, 2025, having terminated the attorney-client relationship, Petitioner filed his own "Motion to Relieve Counsel and Proceed Pro Se," formally asserting his Sixth and Fourteenth Amendment right to self-representation as guaranteed by *Faretta v. California*, 422 U.S. 806 (1975).
7. Concurrently, Petitioner sought to file several substantive motions critical to his appeal, including a "Motion to Stay Appeal and for a Limited Remand" and a "Motion to Supplement the Record," which raise dispositive jurisdictional and constitutional issues that must be addressed.
8. In a letter dated September 9, 2025, Respondent Kitchings, on behalf of the Court of Appeals, informed Petitioner that "no action will be taken" on his substantive motions because he is "still represented by counsel." The letter cites the rule against "hybrid representation" and states no action will be taken until a decision is made on the motion to relieve counsel. A true and correct copy of this letter is attached hereto as **Exhibit A**.
9. The indefinite and unreasonable delay by the Court of Appeals in ruling on the issue of representation has trapped Petitioner in a state of legal limbo. He is represented by counsel he has terminated, yet he is barred from representing himself and advocating for his own interests. This inaction effectively denies Petitioner his constitutional right to self-representation and his fundamental right to meaningful access to the courts of this State.

## ARGUMENT FOR ISSUANCE OF THE WRIT


10. A writ of mandamus is the proper remedy to compel a public official or a lower court to perform a ministerial duty that they have a clear obligation to perform. To be entitled to the writ, a petitioner must show: (1) a duty of the respondent to perform the act; (2) the ministerial nature of the act; (3) the petitioner's specific legal right for which the discharge of the duty is necessary; and (4) a lack of any other adequate legal remedy.
11. **The Court of Appeals Has a Ministerial Duty to Rule.** The Court of Appeals possesses a clear, non-discretionary, and ministerial duty to rule on motions properly filed before it within a reasonable time. While the *manner* in which it rules is discretionary, the duty to rule itself is not. An indefinite delay of over 14 months on a straightforward procedural matter constitutes a constructive refusal to perform this duty.
12. **Petitioner Has a Clear Legal Right and No Other Remedy.** Petitioner has a clear legal right to have his representation status resolved so that he may pursue his appeal, either with new counsel or, as is his right, by representing himself. The Court's inaction directly prejudices this right. Petitioner has no other adequate legal remedy; he cannot appeal a non-decision, and he is procedurally barred by the Clerk from advancing his case until the Court acts. Mandamus is therefore not only the appropriate remedy but the only remedy available.

## PRAYER FOR RELIEF

WHEREFORE, Petitioner Russell Lewis Walker respectfully prays that this Honorable Court issue a Writ of Mandamus directed to the South Carolina Court of Appeals, ordering it to promptly hear and dispose of the pending Motion(s) to Relieve Counsel in Appellate Case

No. 2024-000643, so that Petitioner may proceed with his appeal and have his substantive motions considered.

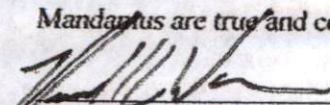
Respectfully submitted,

  
**Russell Lewis Walker, Pro Se**  
714 Spearhead Court  
North Augusta, SC 29860  
(803) 293-0558  
Harley74rlw@yahoo.com

Date: September 12, 2025

**VERIFICATION**

I, Russell Lewis Walker, the undersigned Petitioner, do hereby declare under penalty of perjury that the factual statements contained in the foregoing Petition for a Writ of *Mandamus* are true and correct to the best of my knowledge, information, and belief.

  
**Russell Lewis Walker**

IN THE SUPREME COURT OF SOUTH CAROLINA

**RUSSELL LEWIS WALKER,**

**Petitioner,**

v.

**JENNY ABBOTT KITCHINGS,**

in her official capacity as

Clerk of the South Carolina Court of Appeals,

Respondent.

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 12th day of September, 2025, I have served a true and correct copy of the foregoing Petition for a Writ of Mandamus upon the parties listed below by depositing a copy of the same in the United States Mail, first-class postage prepaid, addressed as follows:

**Jenny Abbott Kitchings**  
Clerk of Court South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201  
(Respondent)

**Alan McCrory Wilson, Esquire**  
Attorney General of South Carolina  
Office of the Attorney General  
Rembert C. Dennis Building  
1000 Assembly Street  
Columbia, SC 29201  
(Counsel for Respondent)

Respectfully submitted,



**Russell Lewis Walker, Pro Se**  
714 Spearhead Court  
North Augusta, SC 29860  
(803) 293-0558



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

September 09, 2025

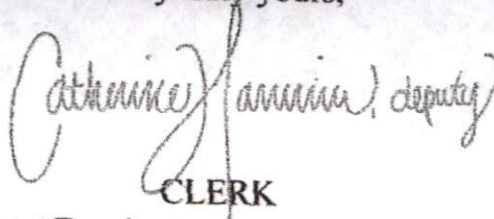
Russell Lewis Walker  
714 Spearhead Court  
North Augusta SC 29860

Re: The State v. Russell L. Walker  
Appellate Case No. 2024-000643

Dear Mr. Walker:

The Court has received your motion to relieve counsel, motion to stay, and motion to supplement the record on appeal. Because you are still represented by counsel, no action will be taken on your motion to stay and motion to supplement the record on appeal at this time. 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."). Once a decision has been made on your motion to relieve counsel you will be notified.

Very truly yours,

  
CLERK

cc: Alan McCrory Wilson, Esquire  
Mark Reynolds Farthing, Esquire  
Wanda H. Carter, Esquire

Russell Lewis Walker  
714 Spearhead Court  
North Augusta, SC 29860  
(803) 293-0558  
[Harley74rlw@yahoo.com](mailto:Harley74rlw@yahoo.com)

September 12, 2025

Clerk of Court  
South Carolina Supreme Court  
1231 Gervais Street  
Columbia, SC 29201

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**RE: In re Russell Lewis Walker (Petitioner) Petition for a Writ of Mandamus Directed to the S.C. Court of Appeals (Underlying Appellate Case No. 2024-000643)**

Dear Clerk:

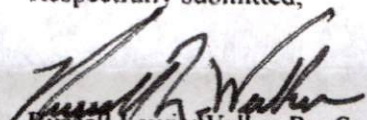
Please find enclosed for filing in the above-referenced matter an original **Petition for a Writ of Mandamus**.

Also enclosed is the corresponding **Certificate of Service**, certifying that a copy of this petition has been duly served upon the Respondent.

This petition seeks an order from the Supreme Court compelling the Court of Appeals to rule on long-pending motions that are currently preventing my underlying appeal from proceeding.

Thank you for your attention to this critical matter.

Respectfully submitted,

  
Russell Lewis Walker Pro Se  
Petitioner

R. Walker  
714 Spearhead Court  
North Augusta, SC 29860

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Jenny Abbott Kitchings  
Clerk of Court South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

29201-376898

