



The Supreme Court of South Carolina

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April 14, 2014

Mr. William Yarborough, 334712
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

Re: William Yarborough v. State
Appellate Case No. 2014-000229
Lower Court Case No. 2010-CP-45-00177

Dear Yarborough:

This responds to your letter dated April 7, 2014. While this Court did receive a copy of your *pro se* motion served on February 10, 2014, this motion is essentially a nullity since Mr. Brooks represented you at the time these motions were made. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010).¹

¹ "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. [citations omitted]. 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. . . . We also take this opportunity to remind judges and clerks of court of our directive in *Foster* not to accept substantive documents, with the exception of motions to relieve counsel, filed *pro se* by a party who is represented by counsel."

I note that the Division of Appellate Defense has now assumed responsibility for representing you in this matter, and Mr. Brooks has been automatically relived as your counsel under Rule 602 of the South Carolina Appellate Court Rules. Once it receives the transcript in this matter, the Division of Appellate Defense will appoint a specific attorney to represent you in this matter.

You may contact the Division of Appellate Defense by mail at PO Box 11589, Columbia SC 29211, or by phone at 803734-1330. Any questions or concerns that you have about this matter should be raised to the Division of Appellate Defense.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. F. Gourley, II", with a long horizontal flourish extending to the right.

CLERK

cc: Division of Appellate Defense
Daniel Francis Gourley, II, Esquire