



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

May 29, 2014

Mr. James Watson Smiley, IV, Esquire  
58 Broad St., Suite 2C  
Charleston SC 29401

Re: The State v. Samuel Brown  
Appellate Case No. 2013-002496

Dear Counsel:

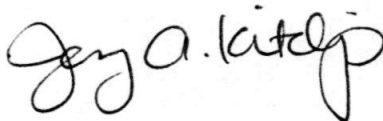
We received several notices of appeal filed by your client, Samuel Brown. On November 26, 2013, we sent you a letter noting the deficiencies in the notice of appeal. Pursuant to Rule 264 of the South Carolina Appellate Court Rules (SCACR), you are deemed the attorney for Mr. Brown in the Court of Appeals until you have been relieved by order of the court. On March 14, 2014, we dismissed the appeal for the failure to provide a copy of the order on appeal, as required by Rule 203, SCACR. Mr. Brown subsequently filed a motion to reinstate, along with a copy of the sentencing sheets.

However, at this time, we still have not received a proof of service showing that the notice of appeal was timely served. Accordingly, you must provide a proof of service for the notice of appeal within ten days of the date of this letter. Furthermore, there is no right to hybrid representation and we cannot accept the motion to reinstate filed by your client. *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."). Therefore, you must file a

motion to reinstate within ten days of the date of this letter, accompanied by a proof of service showing timely service of the notice of appeal, or the appeal will be remitted to the trial court.

If you would like to access all of the filings the Court has received in this case, they are available online at <http://www.sccourts.org/ACMS/index.cfm>. You can simply type in the appellate case number above to be directed to this appeal.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jery A. Latap". The signature is written in a cursive, somewhat stylized font.

CLERK

cc: Samuel Brown, 254907  
Robert Michael Dudek, Esquire  
Alan McCrory Wilson, Esquire  
Salley W. Elliott, Esquire