

# The Supreme Court of South Carolina

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CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA  
29211  
1231 GERVAIS STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1080  
FAX: (803) 734-1499  
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August 13, 2014

Fulton Casey Dale Cornwell, Esquire  
448 Deerwood Street  
Unit 9A  
Columbia SC 29205

Re: Wayne Wells v. State  
Appellate Case No. 2014-001722  
Lower Court Case No. 2013-CP-43-00675

Dear Counsel:

Your client has filed a *pro se* notice of appeal from the order dated July 7, 2014. I remind you that under Rule 71.1(g) of the South Carolina Rules of Civil Procedure that you remain his counsel of record before this Court. A copy of this notice of appeal and proof of service is enclosed.

This case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at [www.sccourts.org/courtreg](http://www.sccourts.org/courtreg). Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals.

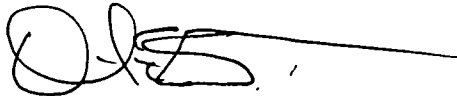
The order can be found at

[www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02](http://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02). Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

Finally, your client has filed the enclosed *pro se* motion to stay. Since you represent him in this matter, no action will be taken on this *pro se* motion. *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).

If it is appropriate to dismiss this case due to the pendency of a timely and proper post-trial motion (*see Hudson v. Hudson*, 290 S.S. 215, 349 S.E.2d 341 (1986)), that request will have to be made by you as his counsel.<sup>1</sup>

Very truly yours,



CLERK

Enclosures

cc: Daniel Francis Gourley, II, Esquire  
Mr. Wayne Wells, Jr., #314139

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<sup>1</sup> From the information that has been provided, I cannot tell if this post-trial motion was filed by you or by your client *pro se*. Therefore, I cannot tell if this motion has any effect on this appellate proceeding. *See Miller v. State, supra* ("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* [Rule 59] 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.").