



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
www.sccourts.org

September 26, 2014

Office of Appellate Defense
PO Box 11589
Columbia SC 29211

Re: Travis Montgomery Brown Jr v. State
Appellate Case No. 2014-001874

Dear Counsel:

As to know, R. Mills Arial, Jr., Esquire, represented Mr. Brown before the circuit court and filed the notice of appeal in this matter. Mr. Brown is now represented by your office.

Enclosed is a copy of a *pro se* motion to alter or amend that your client either has filed or intends to file with the circuit court. This motion was apparently sworn to before a notary on September 15, 2014.

Since Mr. Arial stated in the notice of appeal that he received written notice of entry of the order on appeal on August 13, 2014, this *pro se* motion appears to be untimely under the South Carolina Rules of Civil Procedure. Further, since Mr. Brown has been continuously represented either by Mr. Brown or by your office, this *pro se* motion appears to be essentially a nullity. *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

Therefore, I will not dismiss this matter without prejudice under *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986), based on this *pro se* motion. If you disagree, it will be necessary for your office to file a motion seeking that relief.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

cc: Karen Christine Ratigan, Esquire
Mr. Travis Montgomery Brown, Jr., #353358

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* [post-trial] 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."