



The Supreme Court of South Carolina

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October 27, 2014

Robert Mills Ariail, Esquire
54 Forest Lane
Greenville SC 29605

Re: Cardelle T. Washington v. State
Appellate Case No. 2014-002251

Dear Counsel:

Enclosed is a copy of a letter received from your client.

In the event that you timely file a Rule 59 motion on his behalf, I would ask that you immediately advise this Court so that the notice of appeal may be dismissed without prejudice under *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986).

To the extent petitioner may be indicating that he has filed a *pro se* Rule 59 motion with the circuit court, I will not dismiss this matter under *Hudson* since such a *pro se* motion is effectively a nullity. See *Miller v. State*, 388 S.C. 347, 697 S.E.2d 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. [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 [v. State]*, 298 S.C. 306, 379 S.E.2d 907 (1989))

not to accept substantive documents, with the exception of motions to relieve counsel, filed *pro se* by a party who is represented by counsel.").

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized initial 'C' followed by a series of loops and a long horizontal stroke extending to the right.

CLERK

Enclosure

cc: Karen Christine Ratigan, Esquire
Mr. Cardelle Tyrone Washington, 290074