



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
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

January 12, 2015

J. Falkner Wilkes, Esquire
114 Whitsett St.
Greenville SC 29601

Re: Rishawn Lamar Reeder v. State
Appellate Case No. 2014-002708

Dear Wilkes:

Enclosed is a *pro se* Rule 59 motion that your client has sent this Court. Since you represent him, this motion appears to be improper. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010).¹ Even if such *pro se* motion were proper, it appears to be untimely since you indicate in the notice of appeal that you received written notice of the order on appeal on December 11, 2014, and the *pro se* motion was not even sent to the clerk of the lower court until December 30, 2014.

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 [under Rule 59 of the South Carolina Rules of Civil Procedure] 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."

Therefore, since the *pro se* motion does not appear to be either proper or timely, I will not dismiss this matter without prejudice under *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986). If you disagree, you will need to make an appropriate motion to this Court.

Finally, this office is still waiting on the Division of Appellate Defense to determine if it will provide representation in this matter. If it does, you will be automatically relieved as counsel in this matter under Rule 602 of the South Carolina Appellate Court Rules (SCACR). Until that occurs, you remain his counsel of record in this matter unless relieved by order of this Court. Rule 264, SCACR.

Very truly yours,

A handwritten signature in black ink, appearing to be 'D. E. S.', with a long horizontal line extending to the right.

CLERK

Enclosure

cc: Suzanne H. White, Esquire
Mr. Rishawn Reeder
Division of Appellate Defense