

The Supreme Court of South Carolina

The State, Respondent,

v.

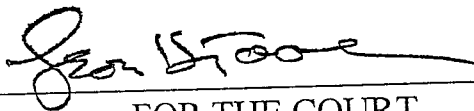
Alan L. Burns, Appellant.

Appellate Case No. 2014-002591

ORDER

This appeal is pending before the South Carolina Court of Appeals.¹ By letter dated November 6, 2014, the Clerk of the Court of Appeals refused to accept a *pro se* document for filing because appellant is represented by counsel in this appeal. Petitioner has now filed a document with this Court "appealing" the action taken by the Clerk of the Court of Appeals.

By statute and rule, this Court reviews final decisions of the Court of Appeals, not actions taken by its Clerk of Court. S.C. Code Ann. § 14-8-210; Rule 242 of the South Carolina Appellate Court Rules. ~~If any error has been committed by the Clerk of the Court of Appeals, then that is a matter for consideration by the Chief Judge or the members of the Court of Appeals.~~ Accordingly, no action will be taken on this *pro se* motion by this Court.



C.J.

FOR THE COURT

Columbia, South Carolina
December 12, 2014

cc: Susan Barber Hackett, Esquire
Deborah R.J. Shupe, Esquire
~~The Honorable Jenny Abbott Kitchings (with copy of motion and attachments)~~

¹ Before the Court of Appeals, the Appellate Case Number is 2012-212760.

clock
return
copy

Jan. 14, 2015

Alan L. Burns, # 143218
Lee C.I., Richland 0-141
990 Wisacky Highway
Bishopville, SC 29010-1775

RECEIVED

JAN 21 2015

Hon. Jenny Abbatt Kitchings, Clerk
S.C. Court of Appeals

SC Court of Appeals

Re.: Burns, Alan L., Appellant vs. The State, Respondent,
Appellate Case No.: 2012 - 212760

Dear Ms. Kitchings:

Enclosed please find a 'highlighted' copy of the order from the South Carolina Supreme Court.

Madam Clerk, I ask that you please take special notice of the highlighted instructional advisement of the Supreme Court.

Actions of a clerk of court conducted for and on behalf of a court are imputed to that court. Therefore, if the clerk has committed an error while acting on behalf of the court, that error is subject to review on appeal and can be the cause for reversal of the courts decision and order.

The Supreme Court has mandated that, *A pro se litigant who is represented by counsel in an appeal before the Court of Appeals, has the right to file a motion for leave of counsel.* Please SEE, *Miller v. State, 397 S.E.2d 527 (2010)*; *Jones vs. State, 558 S.E.2d 517 (2002)*; and *State vs. Stucky, 508 S.E.2d 564 (1998).*

Madam Clerk, on Nov. 6, 2014, you received from me a "**Motion For Leave Of Counsel And Stay Of Proceedings**" with supporting attachments. You erroneously refused to file and/or process my motion. A copy of same has now been provided to you by the Chief Justice of the State Supreme Court.

Madam Clerk, by this communication I am seeking to have that error cured. This can easily be accomplished by you filing and processing my **Motion For Leave Of Counsel** and supporting attachments.

Would you please review the aforementioned documents and cases and correct your oversight and error.

Please clock and return the additional copy.

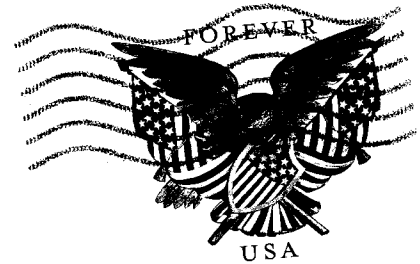


ALB/alb
Enclosures

cc: S.C. Attorney General's Office

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JAN 21 2015

SC Court of Appeals

Hon. Jenny A. Kitchings, Clerk
South Carolina Court Of Appeals
Post Office Box 11629
Columbia, SC 29211

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