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MAR 25 2015

SC Court of Appeals

Erick F. Hewins, #297728
McCormick CI
386 Redemption Way
McCormick, SC 29879

March 20, 2015

Office of the Clerk
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: State v. Hewins, Opinion No. 2014-UP-478

Dear Clerk:

Enclosed are combined motions filed with the Supreme Court
this date which should stay remitter in this case.
With kind regards,

Respectfully,

Erick Hewins

Enclosures

The State of South Carolina
In the Supreme Court

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Appeal From Greenville County
Court of General Sessions
The Honorable G. Edward Welmaker, Circuit Court Judge

Opinion No. 2014-UP-478 (S.C. App. filed Dec. 23, 2014)

The State,

Respondent,

v.

Erick E. Hewins,

Petitioner.

Combined motions:

- (1) To Retrieve Counsel;
 - (2) For Enlargement of Time; and,
 - (3) For Leave to Proceed Pro Se,
- Rule 224, SCACR.
-

Erick E. Hewins, #297728,
McCormick CI
386 Redemption Way
McCormick, SC 29849
Appearing Pro Se

Other Counsel of Record:
(See next page)

Jessica H. Lerner
Strom Law Firm, LLC
2110 Bellhine Blvd, Suite A
Columbia, SC 29204
(803) 252-4800
Attorney for Petitioner

Alon Wilson, Attorney General
Mary S. Williams, Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211
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William W. Wilkins, III, Solicitor, 13th Judicial Circuit
305 East North Street
Greenville, SC 29601
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Attorneys for Respondent

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Arguments:	
1. The attorney-client relationship between Petitioner and counsel is strained to the point that trust and communication is impossible and attorney will no longer represent her client; therefore, Petitioner's motion to Relieve Counsel should be granted.	
2. Petitioner received notice on March 17, 2015 that Counsel will not file a Petition for Writ of Certiorari with the Supreme Court, and only seven (7) days remained to file petition; therefore, Petitioner's Motion for Enlargement of Time should be granted.	
3. Since Petitioner has a right of access to the Court which entitles him to petition the Supreme Court for a Writ of Certiorari, and counsel should be relieved, Petitioner's motion for Leave to Proceed <u>Pro Se</u> should be granted.	
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Certificate of Petitioner

Petitioner certifies that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on February 24, 2015.

Questions Presented

1. Whether conflict between Petitioner and Counsel over ineffective assistance on appeal, and Counsel's refusal to file a Petition for Writ of Certiorari with the Supreme Court, have strained the association so that justice can only be served by relieving Counsel?

2. Whether Counsel's inordinate delay in providing Petitioner with case files and notice he was on his own to file his Petition for Writ of Certiorari with the Supreme Court justifies the grant of Petitioner's Motion for Enlargement of Time?

3. Whether justice will be best served by granting Petitioner leave to proceed with his Petition for Writ of Certiorari in the Supreme Court, pro se?

Statement

Counsel for Petitioner refused to include significantly important evidence in the Record on Appeal. Arguments ensued between attorney and client, leading to a breakdown in communication

Counsel now refuses to file a Petition for Writ of Certiorari with the Supreme Court. Due to the restrictions of Miller v. State, 388 S.F. 347, 697 S.E.2d 527 (2010), Petitioner is denied access to the Supreme Court.

When Petitioner received his case file and written notice from Counsel he had to perfect his own Petition for Writ of Certiorari to the Supreme Court, he had only seven (7) days to file.

Argument

1. The attorney-client relationship between Petitioner and Counsel is strained to the point that trust and communication is impossible and attorney will no longer represent her client; therefore, Petitioner's Motion to Relieve Counsel should be granted.

Attorney Jessica H. Lerner evinces in her March 11, 2015 letter that the professional association is over, even before the Court has relieved her as Counsel. (See, letter from Counsel, enclosed herewith.)

Due to the irreparable nature of this association and Petitioner's inability to proceed on his own, Petitioner's Motion to Relieve Counsel should be granted.

2. Petitioner received notice on March 17, 2015 that Counsel will not file a Petition for Writ of Certiorari with the Supreme Court, and only seven (7) days remained to file petition; therefore, Petitioner's Motion for Enlargement of Time should be granted.

If Petitioner's motions to Relieve Counsel and for Leave to Proceed Pro Se are granted, he will need additional time to perfect his Petition.

3. Since Petitioner has a right of access to the Court which entitles him to petition the Supreme Court for a Writ of Certiorari, and Counsel should be relieved, Petitioner's Motion for Leave to Proceed Pro Se should be granted.

Petitioner has demonstrated herein he is capable of perfecting his Petition for Writ of Certiorari. Relieving Counsel is justified and he should be granted leave to proceed pro se.

Conclusion

Wherefore, Petitioner prays that this Court grants his motions to relieve Counsel, for enlargement of time, and for leave to proceed pro se.

Respectfully submitted:

Erick Hewins

Erick F. Hewins, #297728

McCormick CI

386 Redemption Way

McCormick, SC 29844

Dated: March 20, 2015

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† OF COUNSEL

March 11, 2015

VIA UNITED STATES MAIL
Erick Hewins- 00297728
McCormick Correctional Institute
386 Redemption Way
McCormick SC, 29899

RE: Filed Documents in Your Case

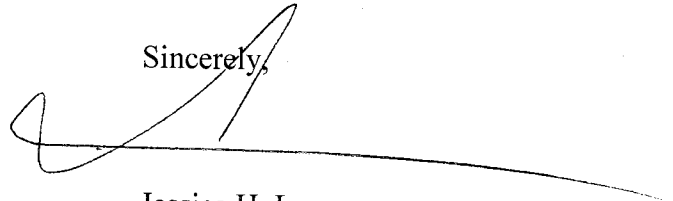
Erick:

Enclosed along with this letter, please find all the documents filed in the appeal of your case, with the exception of the motion for appellate bond, and the Court's decision on that motion. Per your express permission, I have forwarded a copy of these documents to Ms. Rachel Williams.

At this time, I further understand that you are aware our firm intends to move to be relieved as your counsel. This should eliminate any issues in the event you choose to petition for certiorari to the South Carolina Supreme Court. As you and I have discussed, certiorari is extraordinary relief. Please take that into consideration as you move forward with this case. In addition, if you choose to file a petition, it MUST be timely. (Please see the rule I provided in our last correspondence.)

Please do not hesitate to contact me with any additional questions or concerns. Thank you.

Sincerely,



Jessica H. Lerer
STROM LAW FIRM, LLC

JHL

The State of South Carolina
In the Supreme Court

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SC COURT OF APPEALS

Opinion No. 2014-UP-478 (S.C. App. filed 12/23/14)

The State,

Respondent,

v.

Erick E. Hewins,

Petitioner.

Affidavit of Service

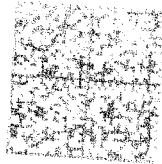
Personally appears Affiant Erick E. Hewins who deposes and says I served by U.S. mail my "Combined Motions.." upon (1) Linder Allen, Office of the Clerk, P.O. Box 11330, Columbia, SC 29211, (2) Office of the Clerk, S.C. Court of Appeals, P.O. Box 11629, Columbia, SC 29211, (3) Asst. Atty. Gen. Mary S. Williams, P.O. Box 11549, Columbia, SC 29211, and (4) Jessica H. Lerner, Strom Law Firm, 2110 Bellline Blvd, Suite A, Columbia, SC 29204, on this 20 day of March, 2015,

S/ Erick Hewins
Affiant

Sworn to and subscribed before me
this 20 day of March, 2015.

Franklin
Notary Public

12-16-2019



\$ 01.40

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MAR 25 2017

SC Court of Appeals

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S.C. Court of Appeals
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Columbia, SC 29211