

# The Supreme Court of South Carolina

Turuk Saunders, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-001240

Lower Court Case No. 2012CP070495

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## ORDER

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By order dated October 8, 2015, this Court denied the petition for a writ of certiorari in this case. Under Rule 221 of the South Carolina Appellate Court Rules, any petition for rehearing had to be *actually received* by this Court on or before October 23, 2015. When no petition for rehearing was received by that date, the remittitur was sent to the circuit court on October 26, 2015.

On October 26, 2014, this Court received a *pro se* petition for rehearing dated October 23, 2015. The Clerk of this Court rejected this petition for filing.

Petitioner now asserts that this *pro se* petition for rehearing should not have been rejected for filing. He argues that the petition was timely because it was received by the prison mailroom on October 23, 2015.

Since petitioner is represented by counsel in this matter,<sup>1</sup> the *pro se* petition for rehearing was improper and was properly rejected for filing. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010);<sup>2</sup> *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517

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<sup>1</sup> Since this Court has issued no order relieving counsel, Mr. Dudek remains as petitioner's counsel of record in this matter. Rule 264(b), SCACR.

<sup>2</sup> *Miller* states, in part:

Since there is no right to "hybrid representation" that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions

(2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989). Accordingly, the *pro se* petition for rehearing is hereby stricken and dismissed.

  
C.J.  
FOR THE COURT

Columbia, South Carolina

December 9, 2015

cc: Robert Michael Dudek, Esquire  
Justin James Hunter, Esquire  
Mr. Turuk Saunders, #199803

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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 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.