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S.C. Supreme Court

ALAN WILSON  
ATTORNEY GENERAL

December 14, 2015

The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
Post Office Box 11330  
Columbia, SC 29211

RE: Phillip H. Crocker, III v. State –Appellate Case No. 2014-001774

Dear Mr. Shearouse:

On December 11, 2015, the State received this Court's Order, dated December 10, 2015, granting Petitioner Phillip H. Crocker, III, twenty days from the date of the order to notify the Court as to whether he wishes to proceed *pro se* in his post-conviction relief appeal. This order also states: "Neither Ms. Hackett nor the State as filed a return to this motion." Please accept this letter as the State's return to Petitioner's correspondence.

On December 2, 2015, the State received a copy of a letter Petitioner sent to his counsel, Appellate Defender Susan B. Hackett. Petitioner's letter, dated November 22, 2015, is titled "Notice and Request for Motion to Proceed Pro Se." In this letter, Petitioner states: "I further request that [Hackett] notify the South Carolina Supreme Court that I am requesting to proceed Pro Se by filing the appropriate motion(s)." The State did not interpret this letter from Petitioner to his counsel as a motion based on the letter's caption and the express language within the letter that such a motion was being requested and would be forthcoming. No such motion has been received by the State, either from Petitioner or counsel of record, Susan B. Hackett.

Regarding Petitioner's request to relieve his appellate counsel, the State wishes to leave the matter to the sound discretion of this Court. However, the State notes Petitioner has no inherent right to represent himself in his post-conviction relief appeal. See State v. Roberts, 364 S.C. 583, 588, 614 S.E.2d 626, 629 (2005) ("Appellant clearly does not have a federal constitutional right to proceed *pro se* in this appeal from his criminal conviction. We also find there is no state constitutional provision which confers such a right."). Additionally, the State notes Mr. Campbell is currently represented by Appellate Defender Susan B. Hackett, who is highly skilled and experienced. Furthermore, the State notes Petitioner did not identify any specific supporting grounds warranting the removal



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of his appellate counsel in his motion requesting such relief other than the general claim that his case "requires more attention and work than [Hackett's] case load will allow."

If a more formal return is desired by this Court, the State will promptly provide one upon request. If you should have any questions or concerns, please contact me at (803) 734-3737.

Sincerely,

Megan Harrigan Jameson  
Assistant Attorney General  
S.C. Bar No. 100108

MHJ/

cc: Susan B. Hackett, Esquire  
Phillip H. Crocker, III, SCDC 298423  
Victim Services