



ORIGINAL

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November 20, 2012

The Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: State v. Jermaine Fuller

Dear Ms. Kitchings:

This letter is to let the Court know that we have received the transcript dated October 9, 2009, and this appeal should be taken out of abeyance.

Additionally, my client previously served me with a Motion to Relieve me as Counsel, which is attached, and which he inadvertently failed to file with the Court. My client will be filing an updated Motion on this same issue shortly.

Sincerely,

David Alexander
Appellate Defender

DAA:lec

cc: Attorney General's Office
Jermaine Fuller

RECEIVED

NOV 20 2012

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
STATE,)
)
RESPONDENT,)
)
)
V.)
)
JERMAINE T. FULLER,)
)
APPELLANT,)

IN THE COURT OF APPEALS

MOTION TO RELIEVE COUNSEL

CASE NO: 2009147686

RECEIVED
SEP 26 2012

TO: William M. Blicht, Jr., Assistant Attorney General

COMES NOW the Appellant, Jermaine T. Fuller, moving this Court to dismiss his appointed Counsel, David Alexander. Appellant claims this motion is not barred by the rule against hybrid representation under State V. Graddick, 548 S.E.2d 210, 345 SC 383. Appellant files this motion for the following reasons.

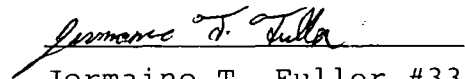
Appellant's attorney, David Alexander, sent Appellant cc of request for transcripts. The first request was dated June 12, 2012, addressed to Desiree Allen, Court Services Manager, requesting a September 9, 2009 transcript. The second request was dated August 10, 2012, addressed to Desiree Allen also, requesting a October 9, 2009 transcript. Appellant also wrote Ms. Allen requesting that these transcripts be sent to him and his attorney. According to Ms. Allen, the September 9, 2009 transcript that has been received was delivered upon his request made on July 23, 2012. The October 9, 2009 transcript is in the process of being put together, also at the Plaintiff's request, dated August 10, 2012. According to Ms. Allen, she had not heard from Plaintiff's attorney by phone or written request until September 19, 2012 when his request made it to her desk

unaddressed to her although Plaintiff's courtesy copies of Mr. Alexander's request were addressed to Ms. Allen and dated many weeks prior to her receiving them. Whatever the explanation for the delay, Plaintiff realizes the lack of due diligence on his attorney's behalf.

Appellant informed his attorney on June 18, 2012 that there are tapes to be obtained from York County's Detention Center relevant to his appeal. Mr. Alexander has failed to ~~request these tapes although informing Plaintiff by phone~~ they would be requested. Plaintiff has been hindered from obtaining these tapes himself as he is represented by an attorney.

Plaintiff wishes to relieve Counsel David Alexander and proceed pro se avoiding any further delays and possible irreparable harm.

Respectfully Submitted,



Jermaine T. Fuller #338130
B.R.C.I. Con 239
4460 Broad River Rd.
Columbia, S.C. 29210

Dated: September 25, 2012

cc: Attorney David Alexander

SWORN TO AND SUBSCRIBED BEFORE ME
THIS _____ DAY OF _____ 2012

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES _____