

The South Carolina Court of Appeals

The State, Respondent,

v.

Rashad Davon Johnson, Appellant.

Appellate Case No. 2017-000812

ORDER

This appeal arises out of a plea of guilty entered on March 1, 2017. The proof of service filed pro se by the appellant indicates the notice of appeal was served on March 29, 2017. Because the appellant is represented by counsel, the notice of appeal cannot be accepted pursuant to the prohibition on hybrid representation. *See Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010) (finding a pro se filing by a represented party should not have been accepted and ruled upon); *State v. Devore*, 416 S.C. 115, 123, 784 S.E.2d 690, 694 (Ct. App. 2016) (holding the appellant was represented by counsel such that his pro se letter "could not qualify as a proper motion or notice of appeal and is, essentially, a nullity"). Furthermore, the notice of appeal was not timely served. *See* Rule 203(b)(2), SCACR (noting a notice of appeal in a criminal case "shall be served on all respondents within ten (10) days after the sentence is imposed."), *Devore*, 416 S.C. at 119, 784 S.E.2d at 692 (dismissing appeal for lack of appellate jurisdiction based on the failure to timely serve the notice of appeal). Accordingly, this appeal is dismissed and the remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.


FOR THE COURT

Columbia, South Carolina

FILED
April 7, 2017

cc:

Rashad Davon Johnson, 0328390

J. Michael DeTreville, Esquire

Robert Michael Dudek, Esquire

Stephanie Bianco Linder, Esquire

John Benjamin Aplin, Esquire

Alan McCrory Wilson, Esquire