



# The Supreme Court of South Carolina

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September 01, 2017

Wanda H. Carter, Esquire  
Appellate Defense  
PO Box 11589  
Columbia SC 29211

Re: Javan F. Mays v. State  
Appellate Case No. 2017-000891  
Lower Court Case No. 2015CP4201784

Dear Counsel:

Enclosed is correspondence from your client regarding his concerns about the transcript. As indicated earlier, if it is appropriate to challenge the accuracy of the transcript under the procedure provided in the South Carolina Court Reporter Manual, that challenge will have to be made you as his counsel.

Also enclosed is correspondence from your client regarding a Rule 59, SCRCP, motion he filed in the circuit court. Since Mr. Mays has been continuously represented by either Mr. Richey or your office since the order of dismissal was issued in this case, this *pro se* motion appears to be improper.<sup>1</sup> *Miller v. State*, 388

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<sup>1</sup> A copy of the *pro se* motion is available on the public case index for Spartanburg County, and I have enclosed a copy of that motion for your convenience.

S.C. 347, 697 S.E.2d 527 (2010);<sup>2</sup> *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (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). Therefore, I do not intent to dismiss this case under *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986). If you disagree, you will need to make a motion seeking dismissal without prejudice under *Hudson*.

Very truly yours,



CLERK

Enclosures

Letter dated August 22, 2017  
Letter dated August 24, 2017  
Pro Se Rule 59 Motion dated April 25, 2017

cc: Valerie Garcia Giovanoli, Esquire  
Mr. Javan Fredrick Mays, 250287

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<sup>2</sup> In relevant part, *Miller* states:

Since there is no right to 'hybrid representation' that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions 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 [under Rules 59 and 60, SCRCP] 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.