



# The Supreme Court of South Carolina

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November 2, 2017

Mr. Eugene Thomas, 222351  
McCormick Correctional Institution  
386 Redemption Way  
McCormick SC 29899

Re: Eugene Thomas v. State  
Appellate Case No. 2016-002304

Dear Mr. Thomas:

This responds to your correspondence dated October 26, 2017. If it is appropriate to remand this case (what you refer to as a transfer) to the circuit court, the motion seeking that relief will have to be filed by your counsel. Therefore, no action will be taken on your *pro se* request. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010);<sup>1</sup> *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*,

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<sup>1</sup> "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 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."

333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

I am providing your counsel with a copy of your correspondence so that he can be aware of your concerns.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a series of loops and a long horizontal stroke extending to the right.

CLERK

cc: DeShawn Herman Mitchell, Esquire (with copy of correspondence without enclosures)  
Robert M. Pachak, Esquire (with copy of correspondence without enclosures)