

ALAN WILSON
ATTORNEY GENERAL



January 2, 2013

VIA HAND-DELIVERY

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, S. C. 29211

Re: State v. Jermaine T. Fuller

Dear Ms. Kitchings:

I am in receipt of Appellant's Motion to Proceed Pro Se and accompanying Initial Brief of Appellant. The State submits this letter in lieu of a formal response.

The State submits the Motion is improper pursuant to Miller v. State, 388 S.C. 347, 697 S.E.2d 527 (2010); State v. Stuckey, 333 S.C. 56, 508 S.E.2d 564 (1998); and Foster v. State, 298 S.C. 306, 379 S.E.2d 907 (1989), which do not allow for hybrid representation. Counsel for the State does not believe an Anders appeal has been or will be filed in the present case, and as a result, Fuller is not entitled to proceed as he desires and is not entitled to file his own Brief. Accordingly, the motion and Brief should not be accepted. To the extent this Court construes the Motion as one to relieve counsel, which is the only motion Fuller may file *pro se*, the State does not believe he has justified the need to relieve counsel.

I appreciate your attention to this matter, and if the Court desires any further response, please do not hesitate to contact me.

Sincerely,

William M. Blich, Jr.
Assistant Attorney General

RECEIVED

JAN 02 2013

SC Court of Appeals

cc: David Alexander, Esquire
Jermaine T. Fuller #338130
Victim Services