

STATE OF SOUTH CAROLINA )  
COUNTY OF CHEROKEE )

IN THE COURT OF GENERAL SESSIONS  
FOR THE SEVENTH JUDICIAL CIRCUIT

STATE,

v.

Steven Parker,

Defendant.

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JUN 01 2018

SC Court of Appeals

Order to Relieve Counsel  
And Allow Defendant to Proceed  
*Pro Se*

2015-GS-11-1136 & 1137

BRANDY V. MOORE

2018 MAR 29 AM 11:05

The above defendant is charged with two counts of murder in Cherokee County for an incident that occurred on or about June 10, 2015. The defendant was arrested on June 12, 2015. Don Thompson of the Cherokee County Public Defender's Office was initially appointed to represent the defendant on July 23, 2015. A conflict was discovered by Mr. Thompson and he was relieved as counsel for the defendant in August 2015. Travis Moore, a contract public defender for the Seventh Circuit, was then appointed to represent the defendant on August 19, 2015.

Attorney Travis Moore filed a motion to relieve him as counsel in March 2017. That relief was granted on March 15, 2017, with the defendant's consent, by the Honorable J. Mark Hayes, II, Administrative Judge for General Sessions for the Seventh Circuit. The defendant informed the court at that time that he would retain counsel.

It further appears that on March 17, 2017, the defendant filed pro se motions requesting that he be allowed to represent himself, for a bench trial, and for a dismissal of the charges. Judge Hayes held hearings on these matters on April 17, 2017 and April 26, 2017. At the hearings, the Court made no rulings, but strongly encouraged the defendant to retain counsel. The defendant mentioned that he would speak to Attorney Tracy Racine about representing him.

On May 15, 2017, Judge Hayes transferred the defendant's case to this Court. This Court held a hearing on September 14, 2017 to inquire of the status of counsel for the defendant. At that time, the defendant informed the Court that he wished to represent himself, and also desired a bench trial. The Court advised the defendant of the dangers of self-representation, and encouraged him to retain counsel. The defendant was insistent at that hearing of his decision to represent himself. The State informed the Court of the potential trial date of November 6, 2017.

It appears that after the Court's inquiry about representation and the defendant's request to represent himself, the State sought to provide the defendant with discovery. The State delivered the materials to the defendant at the Spartanburg County Detention Center on September 22, 2017. The defendant refused to accept the materials or sign the receipt of discovery affidavit.

The State informed the Court of the defendant's refusal. The Court then met with Derrick Balsa, Deputy Solicitor, and Major Allen Freeman of the detention facility. The court

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asked the detention-center to make some concessions and allow the defendant private access to the discovery records in a room attached to the jail pod for five (5) hours each day. The defendant then was to be allowed to carry a portion of the papers to his cell to continue preparing his case.

It appears that the State delivered the discovery materials to the defendant again on October 12, 2017. The defendant once again refused to sign for the materials and rejected the arrangement set forth above to allow him access to discovery materials. The State made the defendant's actions known to the Court. A hearing was then held on October 20, 2017 to attempt to resolve the discovery issue.

At the hearing on October 20, 2017, the Court attempted to explain the situation to the defendant. The Court, on its own, had secured a laptop computer that would be available to the defendant to use to review portions of the discovery. During the hearing, the defendant was belligerent with the Court. He continually spoke out of turn with disrespect to the Court and while the Court was addressing him. By Order November 1, 2017 this court ordered appointment of counsel, finding that the Defendant forfeited his right to self-representation, citing City of Columbia v. Assa'ad-Faltas, 420 S.C. 28, S.E.2d 782 (2017)

Defendant's Appointed Counsel, Frank Adams, Esq filed three separate motions on January 11, 2018. Specifically, a Motion to Dismiss, a Motion in Limine regarding certain crime scene photographs, and a Motion for a Mental Health Evaluation. A hearing was held January 26, 2018. The Motion in Limine was resolved by agreement with the State not to produce certain photographs, the Motion to Dismiss was denied, and the Motion for Mental Health Evaluation was granted.

A mental health evaluation was conducted on March 15, 2018 and a written report was issued March 16, 2018 finding that the Defendant was competent to stand trial.

On March 14, 2018 the Defendant filed a *Pro Se* "Motion for Change of Venue". In that motion, he requests this Court recuse itself from the trial of this case and again that he be allowed to proceed *Pro Se*. Pursuant to this motion, an *in camera* hearing was held on March 23, 2018. Prior to the hearing, Defendant's appointed counsel stated that he had again tried communicating with the Defendant by visiting his jail pod on March 22, 2018 to discuss the motion to proceed *pro se*; specifically the recently announced holding in State v. Lamont Antonio Samuel, --- S.E.2d ---- (2018). Counsel relayed that Defendant refused to leave his cell or communicate in any way, and that he left a copy of the case with the jailer to deliver to the Defendant.

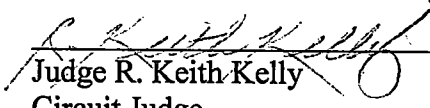
All counsel were excused and an *in camera* hearing was conducted pursuant to Faretta v. California, 422 U.S. 806, 95 S.Ct. 2525, 45 L.Ed.2d 562 (1975). First, the court entertained the Defendant's motion for this Court to recuse itself on the allegation that it was biased towards him. The court assured him that it was not biased and that his motion was denied. This court then inquired of the Defendant whether his request was made knowingly, intelligently, and voluntarily. The Defendant answered affirmatively that he still wished to proceed despite a

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strong admonition against self-representation. The Defendant stated that his request was made knowingly, intelligently and voluntarily.

IT IS THEREFORE ORDERED that Frank Adams, Esq. is hereby relieved as counsel in this case. It is further ordered that the Defendant, Steven Eugene Parker may proceed *Pro Se* in this case. Mr. Adams is directed by this Order to deliver all discovery materials in his possession to the Defendant, pursuant to any jail policy where the Defendant is incarcerated. Defendant Parker shall have access to all discovery materials as outlined above, over Defendant's Objection. Further, the Defendant's motion for this court to recuse itself is denied.

IT IS SO ORDERED.

  
Judge R. Keith Kelly  
Circuit Judge

March 23, 2018

*Spartanburg, SC*

BRANDY M. PIERCE

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CLERK OF COURT  
DEPARTMENT OF JUSTICE

STATE OF SOUTH CAROLINA  
COURT OF APPEALS

HONORABLE KETH KELLY  
GENERAL SESSION COURT

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MAY 31 2018

KIRKLAND R&E CENTER  
MAILROOM

THE STATE

RESPONDANT

V.

APPELLANT

STEVEN PARKER

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JUN 01 2018

SC Court of Appeals

APPEAL CASE NO 2018-000920

PROOF OF SERVICES

I CERTIFY that, I have mailed the notice of appeal using us  
prepaid postage to the following Respondant <sup>Jenny Kirkling</sup>  
on 5 day 31 2018. Proof of service was addressed to <sup>Jenny</sup>  
Abbott Kirkling clerk of the South Carolina Court of Appeals  
Po. Box 11629 Columbia South Carolina 29211

DATE OF SERVICE

5 31 2018

STEVEN PARKER 278158  
KIRKLAND CI  
4344 Broad River Rd  
Columbia 29210

CC: ROBERT MICHAEL DUDER, ESQUIRE  
GEORGE MATTHEW KENDALL, ESQUIRE  
JOHN BENJAMIN APLIN, ESQUIRE  
ANNA MCKELRY WILSON, ESQUIRE

① The Trial Court has a duty to submit the case to the jury where the evidence is circumstantial if there is any evidence which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced. STATE V WILLIAMS, 308 S.C. 274, 400 S.E. 2d 131 (1991) STATE V EDWARDS 298 SC 272, 379 S.E. 2d 888 (1984)

Which was in the case when solicitor produce evidence that was not in my Rule 5 Discovery, in which I ask for on attorney at that time which which is on my transcript 4, 23, 2018 that court reporter noted

② Making a motion in limine to exclude evidence at the beginning of trial does not preserve an issue for review because a motion in limine is not a final determination. The moving party, therefore, must make a contemporaneous objection when the evidence is introduced. See STATE V SIMPSON 325 S.C. 37 479 S.E. 2d 57 (1996) However, where a judge makes a ruling on the admission of evidence on the record immediately prior to the introduction of evidence in question, the aggrieved party does not need to renew the objection. The issue is preserved. Because the state stated that no pictures will be presented. There was no need for this motion of limine to be reiterated. STATE V FORRESTER 343 SC 637 (2001)

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MAY 31 2018

CLACKLAND R&E CENTER  
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cc: Steven Parker

5 31 2018

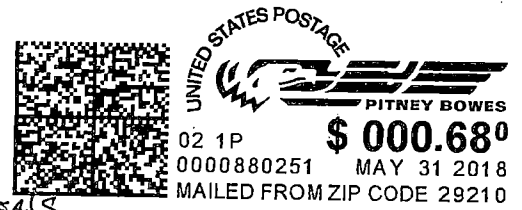
MS JENNY I Am currently being housed here  
At KIRKLAND C.I. An is very limited to legal  
Access. I Ask Presiding Judge Kelly to Allow  
me a ~~court~~ chance to have a lawyer being  
that the evidence that the Solicitor who  
using who's not in my Rule 5 of discovery  
An I did not understand it, Presiding Judge  
Kelly denied me An Attorney. Therefore I don't  
know if im doing any of this right. I Am  
currently trying to Retain a lawyer to further  
Assist me. As I mention earlier im here at  
KIRKLAND lock down all day An no way of contact  
A lawyer. Therefore I hope you or whom ever  
if may concern give me a chance to have it done  
correctly. I Assure you your time concern and  
Assistance will be forever grateful

Sincerely  
Steven  
Parker

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STEVEN PARKER  
KIRKLAND CORRECTIONAL INSTITUTION  
4344 Broad River Rd  
Columbia SC 29210

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SC 290  
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PM 11



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SOUTH CAROLINA COURT OF APPEALS  
Jenny Abbott Kitchens, Clerk  
Post Office Box 11629  
Columbia SC 29211

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