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ORIGINAL

May 22, 2019

Jenny A. Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

MAY 22 2019

SC Court of Appeals

Re: State v. Steven L. Barnes
Appellate Case No. 2017-002140

Dear Ms. Kitchings:

Pursuant to your letter dated May 13, 2019, requesting a return to Appellant's *pro se* motion for voluntary dismissal and second motion to relieve counsel to specifically address whether Appellant has been made aware of all consequences of self-representation and is able to make an informed decision to proceed *pro se*, I wrote a letter to Mr. Barnes on May 17, 2019. Mr. Barnes is now being housed in the Ware State Prison in Waycross, Georgia. In the letter I advised Mr. Barnes of the consequences of self-representation and explained that the right to waive counsel and proceed *pro se* at trial does not apply to appellate proceedings. Martinez v. Court of Appeals of California, 528 U.S. 152, 120 S.Ct. 684, 145 L.Ed.2d 597 (2000); State v. Roberts, 364 S.C. 583, 614 S.E.2d 626 (2005). In the letter I included an affidavit for Mr. Barnes to sign indicating that he has been advised of the consequences of self-representation along with a stamped self-addressed envelope. I have not yet received the affidavit from Mr. Barnes.

I do not take a position on Appellant's motion to proceed *pro se*. I oppose, however, any motion for voluntary dismissal. If the Court grants Appellant's motion to proceed *pro se*, I would respectfully ask the Court to allow Appellant to substitute any *pro se* brief for the brief that has been filed by counsel with the Court. I hope this letter serves as the requested return. I will be happy to notify the Court when and if Appellant returns the signed affidavit referenced above. If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

Kathrine H. Hudgins
Appellate Defender

KHH/em

Cc: Mark R. Farthing, Esquire