

The Supreme Court of South Carolina

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August 8, 2019

William G. Yarborough, III, Esquire
522 North Church Street
Greenville SC 29601

Re: Marcus D. Allison v. The State
Appellate Case No. 2019-001266
Lower Court Case No. 2015CP3700316

Dear Counsel:

Enclosed is a *pro se* notice of appeal that has been filed by your client. I remind you that you remain as his counsel of record before this Court unless automatically relieved if the Division of Appellate Defense assumes responsibility for providing representation in this case or you are allowed to withdraw as counsel by order of this Court. Rule 71.1(g) of the South Carolina Rules of Civil Procedure; Rule 263 of the South Carolina Appellate Court Rules (SCACR).¹

¹ If petitioner desires to relieve you and proceed *pro se* in this appellate case as he indicates in the "notice of appearance" filed with the notice of appeal, he will need to make a motion seeking that relief from this Court. This motion will need to comply with the requirements of Rule 240, SCACR. *Cf. State v. Roberts*, 364 S.C. 583, 614S.E.2d 626 (2005) (in a direct appeal involving the death penalty, the Court stated "[a]ppellant clearly does not have a federal constitutional right to proceed *pro se* in this appeal from his criminal conviction. We also find there is no state constitutional provision which confers such a right.").

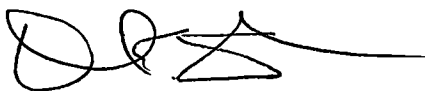
This case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Based on the public case index for Oconee County, it does not appear that any ruling has been made on the motion to alter or amend dated April 27, 2018, and filed with the clerk of the circuit court on May 4, 2018. I ask that you and the opposing counsel confirm that this is true. If this is true, I ask that you and the opposing counsel explain why this appellate case should not be dismissed without prejudice under *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986), and to also explain why no action has been taken on the motion to alter or amend in well over a year. This response from each counsel should be serve and filed within ten (10) days of the date of this letter.

Very truly yours,



CLERK

Enclosure

cc: Lindsey Ann McCallister, Esquire
Mr. Marcus Daniel Allison
The Honorable J. Cordell Maddox, Jr. (with copy of motion to alter or amend)