

The South Carolina Court of Appeals

Glen K. LaConey, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2019-000658

ORDER

This matter is before the court on a petition for a writ of certiorari following the denial of Petitioner's application for post-conviction relief. Based on the vote of the panel, the petition for a writ of certiorari is denied.

FOR THE COURT

BY *V. Claire Allen*
CLERK

Columbia, South Carolina
June 29, 2022

cc:

Susan Barber Hackett, Esquire
Alan McCrory Wilson, Esquire
D Russell Barlow, II, Esquire
The Honorable J. Derham Cole

*Appellant's Exhibit A
Page 1 of 5 skl*

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S.C. SUPREME COURT



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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

June 30, 2022

Mr. Glen K. LaConey
1427 Pickens Street
Columbia, SC 29201

Re: Your case

Dear Mr. LaConey:

Enclosed is a copy of the Order of the Court of Appeals denying our Petition for Writ of Certiorari. This means that you have now exhausted your state court remedies.

There is now a **one-year statute of limitations for filing an application for a writ of habeas corpus in federal court**. However, please be aware that the time between your direct appeal becoming final, and the date your PCR application is filed **will count against your federal habeas statute of limitations in the future**. This statute of limitations is strictly enforced. I have enclosed a copy of the pertinent section of that statute for you to review. I am closing your file with this letter. Please understand that it is **your obligation alone** to ensure that a federal habeas application is timely filed if you want to continue challenging your conviction. Feel free to contact me if you have any questions, but writing to me **does not stay** the applicability of the statute of limitations. I do wish you the best in the future.

Sincerely,

Susan B. Hackett

Susan B. Hackett
Appellate Defender

SBH/cws

Enclosures: Order
Habeas Corpus Application

*Appellant's Exhibit A
Page 2 of 5 skl*

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

September 2, 2022

Mr. Glen K. LaConey
PO Box 2673
Columbia, SC 29202

Re: Your case

Dear Mr. LaConey:

Enclosed is the original closing letter which I mailed to you on June 30, 2022, as well as a copy of the order of the Court of Appeals and an application for federal habeas corpus. These were returned to our office as unable to forward.

Please feel free to contact our office if you have any questions.

Sincerely,

Chris Stock
Administrative Assistant

/cws
Enclosures

Appellant's Exhibit A
Page 3 of 5 *et al*

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

September 22, 2022

Mr. Glen K. LaConey
PO Box 2673
Columbia, SC 29202

Re: Your case

Dear Mr. LaConey:

I received an email from you on September 19, 2022. In the email you complain that I sent a letter to you dated June 30, 2022, to the wrong address. I readily admit that I did so, and I apologize. The letter was returned to us on September 2, 2022, and we learned of our error on that date. Contemporaneously, we checked our files and discovered the correct address. We sent the letter immediately. Again, I apologize that we did not send the letter to the correct address on June 30, 2022.

Your email questioned whether there is a requirement that you be in custody prior to seeking habeas corpus relief. The "in custody" requirement has been interpreted by some courts to include when an individual is suffering penalties connected to the conviction that do not fit neatly within a usual understanding of "custody." For example, some courts have defined custody as including when an individual is on probation, parole, or supervised release. I know that your sentence was thirty days' imprisonment suspended upon time served with a recommendation of counsel and no contact orders, and that such a sentence is not traditionally included within the "in custody" requirement of federal habeas corpus. However, you may still be suffering the consequences of your sentence, such as the recommended counseling and no contact orders. Rather than decide for myself whether you satisfied the "in custody" requirement, I advised you of the possibility of pursuing federal habeas corpus relief so that you can make the decision for yourself.

Please feel free to contact our office if you have any questions.

Sincerely,

Susan B. Hackett
Appellate Defender

Appellant's Exhibit A
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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29201
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FAX: (803) 734-1839
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November 03, 2022

Glen K. LaConey
Post Office Box 2673
Columbia SC 29202

Re: Glen K. LaConey v. State
Appellate Case No. 2019-000658

Dear Mr. LaConey:

The Court received your petition for rehearing or reconsideration on October 26, 2022. In response, this case remitted on July 18, 2022, effectively ending your case at the South Carolina Court of Appeals. Accordingly, no action will be taken on the petition.

Very truly yours,

A handwritten signature in cursive script that reads "Jenny A. Kitchings".

CLERK

cc: Susan Barber Hackett, Esquire
Alan McCrory Wilson, Esquire
D Russell Barlow, II, Esquire

Appellant's Exhibit A
Page 5 of 5 mkl

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