



The Supreme Court of South Carolina

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January 18, 2023

Steven Willard Fowler, Esquire
730 Main Street Unit # 237
North Myrtle Beach, SC 29582

Re: James Edgar Hutchinson v. State
Appellate Case No. 2023-000004
Lower Court Case No. 2021CP2101712

Dear Counsel:

Please be advised that Mr. Hutchinson has filed a *pro se* notice of appeal from the final order dated and filed November 22, 2022.¹ Since you were his counsel before the circuit court, I remind you that you remain his counsel before this Court. Rule 71.1(g) of the South Carolina Rules of Civil Procedure.

The proof of service provided by your client fails to show the date on which the notice of appeal was mailed to the counsel for the State. Therefore, it will be necessary for you to provide this Court with an amended proof of service showing the date of mailing.

Further, you will need to provide this Court with the date on which received written notice of entry of the final order referenced above.

¹ I have enclosed a copy of the notice of appeal and proof of service provided by your client.

Finally, since the order of the circuit court determined that this action is barred as being untimely under the statute of limitations, Rule 243(c) of the South Carolina Appellate Court Rules requires you to provide a written explanation as to why this determination was improper. This explanation must contain sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper. The failure to make a sufficient showing may result in the dismissal of this matter.

In the event you determine that you do not have a good faith explanation to provide pursuant to Rule 243(c), you must provide this Court with a letter stating that as an officer of the Court you are unable to set forth any arguable basis for asserting the determination by the PCR judge was improper. The letter should also advise petitioner that he has twenty (20) days from the date of the letter to file a *pro se* explanation as to why the petitioner believes that this determination by the circuit court was improper. *Dennison v. State*, 371 S.C. 221, 639 S.E.2d 35 (2006). The letter filed with this Court should include proof of service showing that a copy of the letter has been sent to the petitioner.

The amended proof of service, the requested date, and the Rule 243 explanation or response permitted by *Dennison*, must be provided to this Court within fifteen (15) days of the date of this letter.

Very truly yours,

Patricia A. Howard

CLERK

Enclosures (Notice of Appeal and Proof of Service)

cc: Danielle Dixon, Esquire
Mr. James Edgar Hutchinson, 258003