

Fowler Law Firm
730 Main Street #237
North Myrtle Beach, SC 29582
843 663 0006
myfowlerlaw@gmail.com

RECEIVED

FEB 02 2023

S.C. SUPREME COURT

January 31, 2023

To: Mr. James Edgar Hutchinson 258003
cc: Clerk, Supreme Court of South Carolina
SCCID Appellate Defense
South Carolina Attorney General PCR Division
Re: 2021 CP 21 01712, Florence County Post Conviction Relief
Regular & US Certified Mail 7015 3010 0001 3368 9270

Mr. Hutchinson

1. Enclosed in both mailings you will find a letter (hereinafter "letter") dated January 18, 2023 from the South Carolina Supreme Court (hereinafter "Court"). I have also spoken with Clerk Ashley Thompson of the Court about this matter today. You were also copied on the original mailing according to the letter.
2. Under separate cover, we have filed a standard appeal (hereinafter "appeal") in this matter.
3. However, please review page 2 of the letter particularly. The Court wishes additional information pursuant to Rule 243 (c) of the South Carolina Appellate Court Rules to perfect your appeal is my understanding.
4. Upon review of your file, much of the substantive issues were addressed by you in *pro se* filings. Our office was appointed well after much of this was presented to the lower court.
5. Because of this, as an officer of the Court, in my legal opinion, I am notifying the Court through this letter that I am unable to set forth any arguable basis for asserting the determination by the PCR Judge (hereinafter "lower court") was improper. The only thing I can state is information provided by you in the file or by discussion.
6. Therefore, I am sending you this letter advising you that you have twenty (20) days from the date of this letter, January 31, 2023, to provide the Court to file a *pro se* explanation to the Court as to why the determination of the lower court was improper.
7. It is my understanding, based on my legal opinion, this letter to the Court can include anything you have filed with the lower court previously and any new information you may have. You can review the lower court Order and go through it, point-by-point, as to why it is defective. The letter should be addressed to: Clerk, SC Supreme Court, PO Box 11330, Columbia, SC 29211. Please copy me on this letter.
8. The letter needs to come from you, not our office. You may copy our office on any correspondence. But you will need to mail it from your hand to the Court within the time limits allowed.

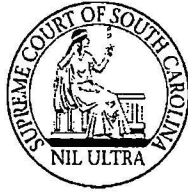
9. Your *pro se* letter to the Court should be based on the *Dennison* standard found in *Dennison v. State*, 371 SC 221, 639 SE 2d 35 (2006).
10. Also enclosed, our office is sending a letter to the Warden of your facility today asking that office to provide you as full and complete access to legal research as soon as possible.
11. Our office, after conferring with the Court today, feel this communication is a reasonable and accurate written explanation of the process. If you have any questions, please contact me. However the deadline set by the Court will need to be met by you to proceed with your Appeal is my understanding. Thank you.

Sincerely,



Attorney Steve Fowler
Fowler Law Firm

Enclosures: Letter to Warden
 January 18, 2023 Letter from Supreme Court
 Proof of Service



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FEB 02 2023

S.C. SUPREME COURT

The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

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