

June 7, 2023

Wilbert E. Brown, Jr., #378348  
MacDougall Correctional Institution  
1516 Old Gilliard Road  
Ridgeville, South Carolina 29472

Joshua A. Bailey, Esq.  
SNOW & Bailey, P.A.  
Post Office Box 555  
Florence, SC 29503

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JUN 15 2023

S.C. SUPREME COURT

RE: Wilbert E. Brown, Jr. v State of South Carolina  
Case No. 2020-CP-21-0880 (Florence County)

Dear Mr. Bailey:

I received on today, your correspondence dated May 25, 2023, wherein you inform me that you are / have filed a Notice of Appeal with the South Carolina Supreme Court seeking to appeal Judge McFadden's decision to deny my Application for PCR and dismiss it with prejudice. As attachments to your correspondence, you also provided me a copy of the Notice of Appeal dated May 25, 2023; and the PCR Court's Order of Dismissal.

In the Notice of Appeal you state that I received written notice of the Court's Order on April 28, 2023. However, I inform you that I did not receive a copy of the PCR Court's Order nor any such written notice that the Order had been drafted and adopted by the State and yourself.

It is important to note and notice this due to the fact that had I received such notice and copy of the Court's Order,

I would have also asked and sought that you file a Motion for Reconsideration and Alter or Amend Judgment under and pursuant to Rule 59(e), SCRPC.

This would have been based on these factors:

MOTION FOR RECONSIDERATION - with regard to the argument of the State's untimeliness with regard to SC Code Ann. §17-27-70, the PCR Court concedes that the time for the State to file an answer or otherwise respond to the PCR Application was affixed by the South Carolina Supreme Court by way of Rule 12(a), SCRPC, (affixing a 60-day time limit when the PCR application arises out of a guilty plea.

My application for PCR was filed on March 20, 2020. Thus, the State's response was due on or before May 19, 2020. (60-days after filing). However the State did not "otherwise respond" until July 10, 2020, and did not explain why it delayed ordering the transcripts. The PCR Judge McFadden failed to notice and consider that. Should the Judge decline to do so he would abuse his discretion.


MOTION TO ALTER OR AMEND JUDGMENT - with regard to a belated appeal; the PCR Court's Order erroneously states that I failed to raise any issue concerning a belated appeal. The Order should be altered/amended to correctly reflect the fact that I did raise this issue while at the hearings. Further, the belated appeal should have been granted.

As it would be inequitable for me to have to wait the length of time it takes to get these matters properly adjudicated

upon in the appellate court(s), and I also do realize that I must call any omissions and misapprehensions to the attention of the Judge/Court and also ensure that the order sets forth the facts, findings, and conclusions of law to each of the issues raised - I ask that you please file here such motions on my behalf in accordance with Hudson v Hudson, 290 SC 215, 349 SE2d 341 (1986).

Please do respond to this request at your earliest convenience and also provide me a copy of the filed motion(s), along with a copy of this correspondence.

Thank you for your attention in this matter.

Sincerely,   
Wilbert Brown

Wilbert Brown Jr.  
SCDC # 378348  
Medougal Correctional  
1516 Old Gillard Rd.  
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Patricia A. Howard  
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