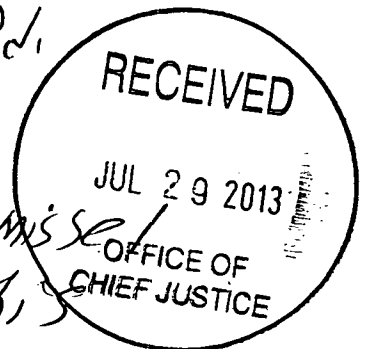


ps # = 1

TO: THE Honorable Jean Toal, C.J. 7-25-13
Suprem Court of South Carolina
P.O. Box 11330, Cole, S.C. 29211

From: BENJAMIN NABORS #233844
B.R.C.I. 4460 Broad River Rd.
Cole, S.C. 29210



RE: C.J. Toal's order of dismissal
of appeals (received) by this
pro se appellant on 7-24-13
Appellate case no. 2013-001195

Your Honor, please it

This Honorable Court, my 59(e)
(was not) ruled on, by P.I.C.R.
Court, until July 16, 2013,
which (was not) received by me
until, "July 23, 2013" which

RECEIVED

JUL 29 2013

S.C. SUPREME COURT

pg. #2

9:3
6

IF This prose party
understands Rule 203(b)(1),
SCA CR, correctly - my
time to appeal the p.c.r.
corts may-22-2013 order
of Dismissal, (does not began)
UNTIL the time That such
Lower cort rules / ruled, on
such 59(e) motion, which
was NOT UNTIL by This prose
party actually received, until
July 23, 2013. therefore,
This prose party has UNTIL
(30 days) from July 23, 2013,
to file, his notice of appeal.

PJ. ~~AAA~~ = 3

This pro se party, humbly
respectfully, seeks, asks
for - This court's clarification
on this matter of URGENT
importance, in regards
to his life and liberty,
and the relief he diligently
seeks and has sought on
his wrongful, illegal incarceration,
detention, every since he was
arrested on 6-11-09, for
the carjacking and Armed robbery
charges which have led to
these harsh and severe
convictions / sentences.

PS. #444 = 4

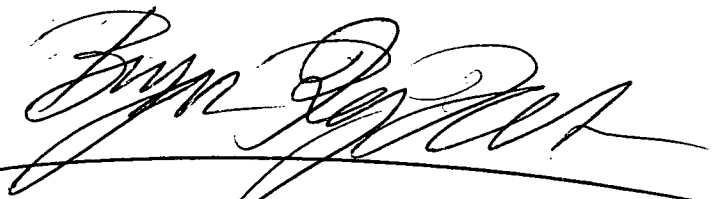
PLEASE your HONOR, in form
me, answer this request
for clarification regarding
your ORDER received
by me on July 24, 2013.

RECEIVED

JUL 29 2013

S.C. SUPREME COURT

Respectfully submitted,



7-25-13

today date is

BENJAMIN RAY NABORS
SCDC# 233844, B.R.C.I.
4460, Broad River Rd.
Cott, S.C. 29210

cc: Sailey W. Elliott, Esquire
ATTORNEY GENERAL'S OFFICE, S.C.

JUL 24 2013

The Supreme Court of South Carolina

ENCL
MAIL ROOM

Benjamin Ray Nabors, Petitioner,

v.

The State of South Carolina, Respondent.

Appellate Case No. 2013-001195

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JUL 24 2013

ENCL
MAIL ROOM

The Honorable Clifton Newman
Laurens County
Trial Court Case No. 2011CP3000308

ORDER

The order on appeal was signed by the circuit court judge on April 25, 2013. Petitioner indicates that he did not receive a copy of the order showing that it had been filed with the clerk of the circuit court until May 31, 2013. The proof of service that petitioner has filed states that counsel for the respondent was served with a copy of the notice of appeal on July 2, 2013.

The time to serve the notice of appeal on opposing counsel is limited and that time cannot be extended. Rule 263(b), SCACR; Elam v. South Carolina Dept. of Transportation, 361 S.C. 9, 602 S.E.2d 772 (2004) (“The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to ‘rescue’ the delinquent party by extending or ignoring the deadline for service of the notice.”).

Based on the failure of the petitioner to timely serve the notice of appeal under Rules 243(b) and 203(b)(1) of the South Carolina Appellate Court Rules, the notice of appeal is hereby dismissed. The motion for an evidentiary hearing, the motion

PJ. * = 1

for the appointment of counsel and any other request for relief that petitioner has filed in this matter are denied as moot.¹ The remittitur will be sent as provided by Rule 221(b), SCACR.


C.J.
FOR THE COURT

Columbia, South Carolina
July 22, 2013

cc: Salley W. Elliott, Esquire
Mr. Benjamin Nabors, #233844

¹ Petitioner asserts that he timely filed a Rule 59, SCRCP, motion with the circuit court. Further, petitioner has filed a motion seeking an extension to file a Rule 59 motion with this Court. Any issue regarding the filing of the Rule 59 motion or any extension of the time to file a Rule 59 motion is a matter that would have to be raised to the circuit court rather than to this Court. "If a timely post-trial motion was in fact timely made, then the time to appeal does not begin to run until that motion is ruled on." Rule 203(b)(1), SCACR ("When a timely . . . motion to alter or amend the judgment (Rules 52 and 59, SCRCP), . . . has been made, the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion."); *see also Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986) (if a timely post-trial motion under Rule 59, SCRCP, is filed, any appeal is premature); *see also* Rule 6(b), SCRCP ("The time for taking any action under rules 50(b), 52(b), 59, and 60(b) may not be extended except to the extent and under the conditions stated in them.").

STATE OF SOUTH CAROLINA
COUNTY OF LAURENS

LYNN W. LANCASTER
2013 JUL 19 A) 8:47
IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO.: 2010-CP-30-00308

Benjamin Nabors,
S.C.D.C. No. 233844

LAURENS COUNTY
CLERK OF COURT

Applicant,

**ORDER DENYING MOTION
TO ALTER OR AMEND**

vs.

State of South Carolina,

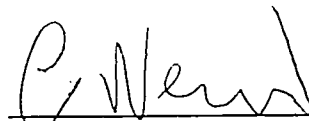
Respondent.

This matter comes before the Court by way of Applicant's Motion to Alter or Amend the Order of Dismissal filed May 22, 2013 in the Laurens County Clerk of Court office. The Applicant's Motion to Alter or Amend was not filed with the Clerk of Court, but was mailed to my chambers in Kingstree, South Carolina.

However, having carefully considered the arguments submitted and applicable law, the Court finds that the Motion to Alter or Amend should be DENIED.

It is therefore ORDERED that the Applicant's Motion to Alter or Amend is DENIED.

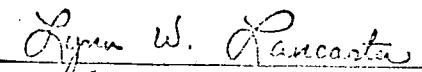
AND, IT IS SO ORDERED.


Clifton Newman
Presiding Judge

July 16, 2013
Columbia, South Carolina

RECEIVED
JUL 23 2013
CLERK'S ROOM

A TRUE COPY OF ORIGINAL


Lynn W. Lancaster
Laurens County CCCP & GS

PJ-111-3

Lynn W. Lancaster
Laurens County Clerk of Court
P. O. Box 287
Laurens, SC 29360

June 3, 2013

Ben Nabors #233844
Broad River Correctional Institution
Saluda 148-A
4460 Broad River Road
Columbia, SC 29210

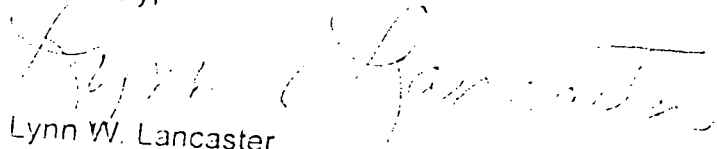
RE: Benjamin Nabors vs. State of South Carolina
2011-CP-30-308

Dear Mr. Nabors:

I am returning your motion for Rule 59(e) unfiled due to the fact that you filed a Notice of Appeal in the above captioned matter several days prior to the receipt of this filing. This court no longer has jurisdiction to rule on your motion.

As you no longer have a pending matter in front of this court, there is no need to correspond further. This is my final response.

Sincerely,


Lynn W. Lancaster

/lw
Enclosures

~~P1-VDP-4~~

Exhibit #5



State of South Carolina
The Circuit Court of the Third Judicial Circuit

Clifton Newman
Judge

Post Office Box 516
Kingstree, SC 29556-0516
Phone: (843) 355-9321
Ext: 7302
Fax: (843) 355-1576
cnewmanj@sccourts.org

June 25, 2013

Benjamin R. Nabors, #233844
Broad River Correctional Institution
4460 Broad River Road
Columbia, South Carolina 29210

Dear Mr. Nabors:

This letter responds to all of your correspondences to Judge Newman from March 13, 2013 to June 25, 2013. Judge Newman has received several documents, which include, but not limited to, previous correspondences you have sent to other court officials, attorneys, court reporters, and the clerk of court. Please be advised that Judge Newman cannot assist you with these matters.

Further, this letter is to inform you that Judge Newman only had jurisdiction over your PCR Application. Because the Order of Dismissal of your PCR Application was filed with the Laurens County Clerk of Court on May 22, 2013 and you did not file a Motion to Alter or Amend a Judgment pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure within 10 days of being served with the Order, Judge Newman no longer has jurisdiction over the matter.

Please do not forward anymore correspondences to Judge Newman's office as he will not be able to respond to or address any of your concerns.

Sincerely,

Sutania A. Radlein
Law Clerk

PJ: ~~XXXX~~ 5

CC: The Honorable Lynn W. Fairclaster, Laurens County Clerk of Court
Rutledge Johnson, Assistant Attorney General

Lynn W. Lancaster
Laurens County Clerk of Court
P. O. Box 287
Laurens, SC 29360

June 28, 2013

Ben Nabors #233844
Broad River Correctional Institution
Saluda 148-A
4460 Broad River Road
Columbia, SC 29210

RE: Status of Motions

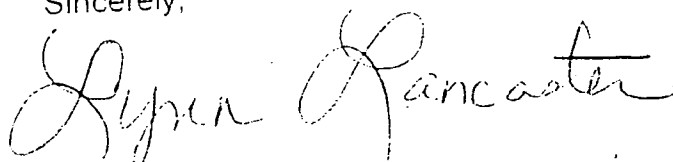
Dear Mr. Nabors:

You repeatedly refer to Rule 52 and 59 motions and ask for the status of the same. You do not have a Rule 59 motion in front of the court because I refused to file the same. Your case is on appeal and this court no longer has jurisdiction to consider that motion.

There may have been another motion filed after the March hearing date; however, according to Judge Newman's recent letter, he is of the opinion that his jurisdiction was concluded with the Order of Dismissal filed on May 22, 2013.

I am only writing to you today because Court Administration asked that I assist you in reference to the recent correspondence you sent to them.

Sincerely,



Lynn W. Lancaster

/lwl

PJ: ~~TTTTT~~ = 6

Exhibits
H 4



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
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) 734-1030
FAX (803) 734-1499
www.sccourts.org

June 13, 2013

Rodney Wade Richey, Esquire
P.O. Box 10916
Greenville, SC 29603-0916

Re: Ben Nabors v. State
Appellate Case No. 2013-001195
Lower Court Case No. 2011-CP-30-00308

Dear Counsel:

Enclosed is a *pro se* notice of appeal and letter that has been filed by Mr. Nabors. Since the public case index for Laurens County shows that you are his counsel in this matter, I remind you that under Rule 71.1(g) of the South Carolina Appellate Court Rules (SCACR) that you remain his counsel of record before this Court.

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

For this matter to proceed, it will be necessary for you to provide the following within ten (10) days of the date of this letter:

- (1) A proof of service showing that the notice of appeal has been timely served on opposing counsel; and
- (2) A copy of the order(s) to be challenged on appeal.

WJM

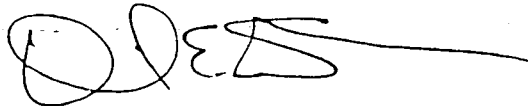
~~PS: PENDING~~ 7

All parties to this matter are advised that all filings must comply with the requirements of Rule 267, 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/HTMLFiles/2007-08-13-02.htm. 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.

Finally, in the notice of appeal, your client makes reference to the filing of a Rule 59, SCRCR, motion. The public case index does not show that any Rule 59 motion has been filed with the clerk of the lower court.

Very truly yours,


CLERK

cc: Mr. Ben Nabors, 233844
Salley W. Elliott, Esquire

PJ. ~~XXXXXXXXXX~~ 8





The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
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

June 13, 2013

Mr. Ben Nabors, 233844
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

Re: Benjamin Nabors v. State of South Carolina.
Appellate Case No. 2013-001240

Dear Nabors:

This responds to your letter dated June 10, 2013. Your petition for an injunction has been assigned the appellate case number that appears above.

As to the other questions or concerns raised in your letter, I cannot determine what you are asking. Further, this Court cannot provide legal advice or assistance. You may want to consult with an attorney or consult the South Carolina Appellate Court Rules which should be available you in your prison library.

Sincerely,

Daniel E. Shearouse

1 OF 126
FUT. REPT. SC
2013-001240

CASE NO. 2013-001240
2013-001240

PO. ~~XXXXXXXXXX~~ 9



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
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) 734-1050
FAX (803) 734-1499
www.sccourts.org

June 27, 2013

Mr. Benjamin Nabors, #233844
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

Re: Benjamin Nabors v. The State
Appellate Case No. 2013-001195
Lower Court Case No. 2011-CP-30-00308

Dear Mr. Nabors:

Mr. Richey has now advised this office that he was relieved as your counsel. Therefore, we are marking our records to reflect that you are currently proceeding *pro se* in this matter. By copy of this letter, I do ask that Mr. Richey contact the clerk of court to correct it records since the public case index for Laurens County still lists him as your counsel.

For this matter to proceed, it will be necessary for you to provide the Court with a proof of service showing that the notice of appeal has been timely served on opposing counsel. This document should be provided within ten days of the date of this order. This proof of service should be substantially in the form specified in

PJ. ~~XXXXXXXXXX~~ = 10

the attached form.

Very truly yours,



CLERK

Enclosure

Form 7- Proof of Service for a Notice of Appeal

cc: Salley W. Elliott, Esquire
Rodney Wade Richey, Esquire

BEN WADBOP SH 233899 MIT 1101-B
B.R.C.I. 4460 Broad's Views Road,
Cole, S.C. 29210

TO: THE HONORABLE JEAN FORD, C.T.

RECEIVED SUPREM COURT OF S.C.

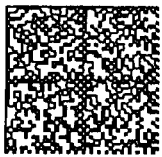
Mailed on 7-25-13 P.O. Box 11330 Cole, S.C. 29211

JUL 25 2013

BRCI

MAILROOM

[Handwritten signature]



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0008003534
MAILED FROM ZIP CODE 29210



\$ 00.860
JUL 25 2013

LEGAL MAIL

THE DEPARTMENT OF CORRECTIONS HAS NOT CENSORED
THIS ITEM. THEREFORE, THE DEPARTMENT DOES NOT
ASSUME RESPONSIBILITY FOR ITS WRITTEN CONTENTS.

WARDEN

BROAD RIVER CORRECTIONAL INSTITUTION

S.C. DEPARTMENT OF CORRECTIONS