

The Supreme Court of South Carolina

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August 14, 2013

Mr. Leroy Shaw, #301480
McCormick Correctional Institution
386 Redemption Way
McCormick SC 29899

Re: Leroy Shaw v. State
Appellate Case No. 2013-001708
Lower Court Case No. 2012-43-01782

Dear Petitioner:


This Court has received the notice of appeal in the above post-conviction relief action. Since the order of the circuit court determined that this action is barred as being successive and/or 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.

Further, counsel for the State asserts that a motion under Rule 59, SCRPC, is still pending before the circuit court. Therefore, I ask that you please explain why the notice of appeal should not be dismissed without prejudice under *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986).

I ask that you please provide the explanation required by Rule 243(c) and the response as to why this matter should not be dismissed within twenty (20) days of

the date of this letter.

Very truly yours,



CLERK

cc: Daniel Francis Gourley, Esquire