

Pg# 2

RECEIVED

9/2/13

Date

SEP 27 2013

Deerms. Lauscast S.C. SUPREME COURT
CLERKS

5075 Lauderenses C 29360
PO Box 287 gskscir

Bensnaboms 133844 Sal 141
4460 Broad St. N. W. S. R. D. S. COLS C 29210

RE: the remittitur for
notices appeal dated 5 May 23 2013
appeal case # 201300119 (remittitur)

notices dated 8/26/2013
(Enclosed)

(From Sect. State Bar Course)



Deerms. J. God Bless
hopes this and you
stay well & blessed!

9/2/13

DATS

P9A=2

I.F.Will PLEASE PROVIDE ME FOR

(92413)

you my's Appeal case NO 2013.001797

withs Record EXACTS (precise)
(exact) OFS what yous TRANSMITTED
Does the S.C SUPREM COFFS
as my post + trials and

LOW P.C.R RECORDS for case
CONF 201/CP30308
No → /CP30308 regarding
the copyacking and

79A=3

0924B
DAYS

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coerced - threaten and
also assaulted into stop
my JURY TRIALS AND ENTIRE
BULKY PLEAS TOES ON ON
10.19.10 IN THIS KNOWABLES
CONTS 8th C.I.P. LAWN
S.C. 2230.

P9 #24 (92413)

THIS (RECORD) IS REQUIRED
BY ME, IN ORDER TO
FAIRLY PROSECUTE
CURRENTS APPEALS AND
(JOB # 1797) AND MY VIS.
SUPRE COURT CASE AS WELL
MS. J. THIS MY LIKE ALOT REQUEST
FOR THIS (RECORD) OF
MES TRANSMITTED (MONTANA)
INDEX FOR SEARCHING

P9A-5

92413

(DATA)

What you passed up
higher cost

Case No. 2013-001797

IF you can't supply me

with this index then of records

my cases simply supply me

with detail exploration

Part 6

924/13
Notes

as does ~~the~~ why your
officers are unusable
for ~~me~~ ~~me~~ with what
should for you be uncomplexity
does a courts of such leave red
they's gays call but ~~it~~ don't
have phone at now Noe cell phones
up hear can borrow nows maybees ~~can~~

Dg. #7

(9-24)

QUESTION

Dates 13)

→ ALSO, DID YOU ATTEMPT
MY 3-13-13 P'ER KEEPING
IN AWOOD WAS THATS

YOU ARE BLESSING & YOURS
ME ~~AT~~ ONLY GODS HELPS
FAIRMESS WHAT WANTS

NOT YOURS AND KNOWS MAKES
MS. L. YOU MADE AT ME NEVER
SWEETS LABRE

Pgs 8

9 Oct - 13

I just wants
 for conts. Fairness
 whole story. you do not
 mess ms. about not
 think you at all
 unwise not do last
 god bless & think you
 all contract hunt some

Respectfully

CC: ALAN WILSON (cc) 9/2/13
ARUNDELL JOHNSON

CC: DANIEL SHEARSON

CC: JUDGE FRANKS

ADVISOR

Ren N. A. BERS
chefs...

The Supreme Court of South Carolina

Benjamin Ray Nabors, Petitioner,

v.

The State of South Carolina, Respondent.

Appellate Case No. 2013-001195

Lower Court Case No. 2011-CP-30-00308

ORDER

By order dated July 22, 2013, the notice of appeal filed by petitioner in this matter was dismissed due to petitioner's failure to serve the notice of appeal on respondent in a timely manner. Meanwhile, on July 16, 2013, the circuit court denied petitioner's pending motion to alter or amend the order dismissing petitioner's application for post-conviction relief. Since that time, petitioner has sought to have his appeal reinstated on the ground that he had thirty days from July 23, 2013, the date he received written notice of entry of the order denying his motion, to file an appeal. While that is true, petitioner must serve and file a new notice of appeal.¹ The initial notice of appeal cannot be reinstated because it was filed prior to the issuance of the order denying the motion to alter or amend and was therefore premature. *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986); Rule 203(b)(1), SCACR. Accordingly, petitioner's motion to reinstate is denied. The motion for a directed verdict and motion for judgment are denied.



A.C.J.

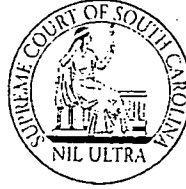
FOR THE COURT

Toal, C.J., not participating.

¹ Indeed, petitioner has now served and filed such a notice of appeal. *Nabors v. State*, Appellate Case No. 2013-001797.

Columbia, South Carolina
August 26, 2013

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



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

August 26, 2013

The Honorable Lynn W. Lancaster
PO Box 287
Laurens SC 29360-0287

REMITTITUR

Re: Benjamin Nabors v. The State
Lower Court Case No. 2011CP3000308
Appellate Case No. 2013-001195

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.¹

Very truly yours,

CLERK

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

¹ This remittitur relates to the notice of appeal dated May 23, 2013. The notice of appeal from the order dated July 16, 2013, is currently pending under Appellate Case No. 2013-001797.



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
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August 26, 2013

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

Re: Benjamin Nabors v. State
Appellate Case No. 2013-001797
Lower Court Case No. 2011-CP-30-00308

Dear Counsel:

This Court has received your notice of appeal from the order of July 16, 2013, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (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.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

cc: James Rutledge Johnson, Esquire