

The Supreme Court of South Carolina

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October 04, 2013

Mr. Elliott J. Brown
#43722037
FCI Allenwood Medium
P.O. Box 2000
White Deer, PA 17887

Re: Elliott J. Brown v. State
Appellate Case No. 2013-001144
Lower Court No. 2011CP2304514

Dear Brown:

This responds to your letter to the South Carolina Court of Appeals dated September 30, 2013. As you know, the post-conviction relief (PCR) judge determined that you were entitled to a belated appeal from your guilty plea pursuant to *White v. State*. As to all other allegations, the PCR judge determined that they were barred by the statute of limitations.

While your counsel did file a notice of appeal with the Court of Appeals which stated that it was an appeal from 2007-GS-23-00592, it was determined that this was actually a notice of appeal from the final order issued in the above PCR case and the notice of appeal was transferred to this Court. *See also* Rule 243(i) of the South Carolina Appellate Court Rules (SCACR) (discussing special procedures where relief is sought pursuant to *White v. State*).

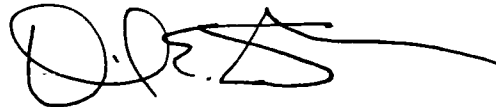
By letter dated June 11, 2013, your counsel was asked to provide the explanations required by Rule 203(d)(1)(B), SCACR, for an appeal from a guilty plea and by

Rule 243(c), SCACR, for those claims barred by the statute of limitations.¹ When no response was received, this matter was dismissed by order dated July 9, 2013.

Further, when no petition for rehearing was received within the time specified by Rule 221, SCACR, the remittitur was sent to the circuit court on July 25, 2013. The sending of the remittitur ended appellate jurisdiction over this case. *Wise v. South Carolina Department of Corrections*, 372 S.C. 173, 642 S.E.2d 551 (2007).

In short, the notice of appeal filed by your counsel has been resolved by the order of dismissal issued in this matter. This includes your claim seeking a belated direct appeal under *White v. State*.

Very truly yours,

A handwritten signature in black ink, appearing to be "D. R. S.", with a long horizontal line extending to the right.

CLERK

Enclosure

ecc: Caroline M.W. Horlbeck, Esquire
Karen Christine Ratigan, Esquire

¹ Although you have apparently seen all the other relevant documents in this matter, I am enclosing a copy of the letter requesting these explanations.