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S.C. SUPREME COURT

LETTER OF RESPONSE TO APRIL 1, 2025, LETTER FROM SC SUPREME COURT

Date of this letter: April 2, 2025

To: Clerk Patrica A. Howard
Clerk of Court, South Carolina Supreme Court
PO Box 11330
Columbia, SC 29211

RE: Donald Halstead (“Applicant”) vs. State
Appellate Case No. 2025-000609

Dear Clerk:

This letter provides a written explanation as to why the underlying Common Pleas’ Court determination was improper pursuant to 243(c) of the South Carolina Appellate Court Rules

The Applicant is and was housed in a South Carolina Department of Corrections facility at the time of his filing. He was totally dependent on SCDC mailroom staff and its procedures and processes to send his mail and legal documents to the outside world. It is my understanding that, if the PCR Applicant’s statements are true, he would meet the Statute of Limitations criteria for filing before any deadline.

The applicant testified under oath that he did all he could to file his application. The Applicant testified that he purchased a "forever" envelope at the canteen and got his application notarized on April 3, 2023, by SCDC staff, Ms. Bryant, who is shown on the notarization page of the application. The Applicant believes he took the necessary steps to file his application. He is not an attorney nor legally trained. He had no access to the mailroom to ensure that the application was mailed prior to the end of the statute of limitations.

In additional testimony under oath, the Applicant testified that he gave his PCR Application to the mail staff at the correctional facility on April 3, 2023. The Applicant reasserted that he had his application notarized on April 3, 2023, and delivered his application to the correctional facility mail staff on the same date. The statute of limitations in this matter appears to be April 21, 2023. The Applicant testified that his intent was to make sure he satisfied the statute of limitations. He told the Court that he had placed his PCR Application, in effect, “in the mailbox” where he released control of it to the SCDC mail system.

We ask the Court to see Mose v. State, 420 S.C. 500, 803 S.E.2d 718 (2017) on equitable tolling in a prison mailing case. In his testimony, Applicant indicated that he did his due diligence on notarizing the application and placing it in the SCDC mailing system. Upon information and belief, Applicant, acting in good faith, followed the standard procedures for a SCDC inmate to file a PCR.

Our office is copying the Applicant at his SCDC facility as shown in the Certificate of Service accompanying this letter. With this letter, I am asking Mr. Halstead to provide a *pro se* explanation to the Supreme Court at the above Supreme Court mailing address if he so desires. He may embellish on this letter or add additional reasoning of his own. Any *pro se* explanation must be filed with the Supreme Court Clerk of Court within twenty (20) days from the date of this letter, April 2, 2025.

Sincerely,



Attorney Steve Fowler
Fowler Law Firm
Court-appointed PCR counsel for Halstead

Enclosure: April 1, 2025, letter from the SC Supreme Court

cc: Robert Dudek, SCCID Chief Appellate Counsel
Russ Barlow, SC Attorney General, Managing PCR Counsel
Donald Halstead, South Carolina Department of Corrections – Broad River
Regina Lane, SCDC General Counsel

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Clerk Ethel D. Clark
Clerk of Court - Case Margaret
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