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Apr 10 2025

S.C. SUPREME COURT

April 10, 2025

The Honorable Patricia A. Howard
Clerk of the South Carolina Supreme Court
Post Office Box 11330
Columbia, SC 29211

Re: Stacy Murray v. State of South Carolina
Case No. 2022-CP-23-2304

Dear Ms. Howard:

As an explanation of why the Order of Dismissal was improper as required pursuant to Rule 243(c), SCACR, we argue that the equitable tolling should have applied to the Applicant. Mr. Murray testified that he made an effort to file his PCR application in a timely manner. Though it was not notarized and left with prison authorities for mailing until April 11, 2022, two days prior to the filing deadline, the dismissal assumed free access of prison inmates to notaries which was not the case. The fact that the application was notarized April 11 and not filed until May 3, 2022, demonstrates the inefficiency and delays in mailing within the prison system. Clearly the exact date of filing was beyond the Applicant's control as he left the application for mailing over twenty days before it was filed. Because it was notarized and left with prison authorities within one year of his plea, equitable tolling should have applied.

The undersigned was appointed in this matter and moves to be relieved at this time.

Sincerely,



Susannah Ross
Attorney at Law #11205

cc: Assistant Attorney General Tommy Evans, Jr.
Office of Appellate Defense
Greenville County Clerk of Court
Stacy Murry