

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Horry County
Larry B. Hyman, Jr., Presiding Judge

Appellate Case No. 2013-001527

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S.C. Supreme Court

MELEIK ROACH;

Petitioner,

vs.

THE STATE,

Respondent,

**MOTION TO REMAND
FOR CORRECTION
OF SCRIVENER'S ERROR**

Respondent, by and through undersigned counsel, would respectfully show unto this Court:

1. Petitioner's Application for Post-Conviction Relief was denied by the Honorable Larry B. Hyman, Jr., by written order dated May 28, 2013.
2. The judgment was entered on June 5, 2013, and a copy was mailed to the attorneys of record on the same date.
3. Petitioner filed and served notice of appeal on July 15, 2013.
4. Subsequent to service of the Notice of Appeal, it came to the parties' attention that the Order of Dismissal contained what amounts to a scrivener's error involving the procedural history of

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Horry County
Larry B. Hyman, Jr., Presiding Judge

Appellate Case No. 2013-001572

MELEIK ROACH,

Petitioner,

vs.

THE STATE,

Respondent,

**MOTION TO REMAND
FOR CORRECTION
OF SCRIVENER'S ERROR**

Respondent, by and through undersigned counsel, would respectfully show unto this Court:

1. Petitioner's Application for Post-Conviction Relief was denied by the Honorable Larry B. Hyman, Jr., by written order dated May 28, 2013.
2. The judgment was entered on June 5, 2013, and a copy was mailed to the attorneys of record on the same date.
3. Petitioner filed and served notice of appeal on July 15, 2013.
4. Subsequent to service of the Notice of Appeal, it came to the parties' attention that the Order of Dismissal contained what amounts to a scrivener's error involving the procedural history of

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Petitioner's case. The Court's order states Petitioner was indicted and pled to charges including trafficking heroin, distribution of heroin, and possession of a controlled substance. However, Petitioner actually challenged his plea to two counts of armed robbery and one count of assault and battery of a high and aggravated nature.

5. Respondent submits that all other information in the court's order is correct and that Petitioner is entitled to a review of his original PCR pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991).

6. Rule 60(a), SCRPC provides that, during the pendency of an appeal, leave to correct a mistake in an order must be obtained from the appellate court.

7. Because error was found after the Notice of Appeal was filed, Respondent moves this Court to remand the matter to Judge Hyman to enter an order correcting the error.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

JOSHUA L. THOMAS
Assistant Attorney General
S.C. Bar No. 100777

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3737

10/29, 2013

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal From Horry County
Honorable Larry B. Hyman, Jr., Presiding Judge

MELEIK ROACH,

Petitioner,

vs.

THE STATE

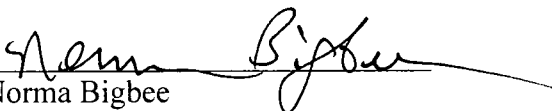
Respondent.

PROOF OF SERVICE

I, Norma Bigbee, certify that I have served Respondent's Motion to Remand For Correction of Scrivener's Error on Petitioner's Attorney by depositing a copy of the same in the United States mail, postage prepaid, addressed to Robert M. Dudek P.O. Box 11589, Columbia, SC 29211-1589.

I further certify that all parties required by Rule to be served have been served.

This 29th day of October, 2013.


Norma Bigbee
Administrative Assistant
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

October 29, 2013

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S.C. Supreme Court

VIA HAND DELIVERY

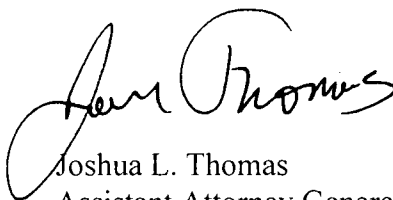
The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: **Meleik Roach, #336878 v. The State of South Carolina**
Appellate Case No: 2013-001572

Dear Mr. Shearouse:

Enclosed for filing are the original and six copies of Respondent's Motion to Remand For Correction of Scrivener's Error in the above-referenced case.

Sincerely,



Joshua L. Thomas
Assistant Attorney General

JLT/nb

Enclosures

cc: Robert M. Dudek, Esquire
Ms. Trisha Allen