



The Supreme Court of South Carolina

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November 15, 2013

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

Re: Benjamin Nabors v. State
Appellate Case No. 2013-001797

Dear Mr. Nabors:

This responds to your recent correspondence dated November 11, 2013. Since you are represented by the Division of Appellate Defense in this matter, no action will be taken on this *pro se* filing. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

I am, however, concerned that you do not understand the nature of this appellate proceeding. The sole issue before this Court will be whether the post-conviction relief (PCR) judge erred in denying relief in this case. In making this determination, this Court will only consider the documents contained in the Appendix and the Appendix can only contain materials that were before the PCR judge. *Cf.* Rule 243(f), SCACR (appendix shall be composed of the lower court record, the order on appeal and an index). In short, there will never be an evidentiary hearing held before this Court. I would encourage you to discuss the

nature of this appellate proceeding with the Division of Appellate Defense.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a series of loops and a long horizontal stroke extending to the right.

CLERK

cc: James Rutledge Johnson, Esquire
Robert Michael Dudek, Esquire