

State of South Carolina
in the Supreme Court

Alfonzo J. Howard # 333399
Appellant

v.

State of South Carolina
Respondent

Appellant's Response to
Court's July 2, 2026 Letter

Appellant Case No.
2026-001371

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S.C. SUPREME COURT

Comes Now the Appellant, Alfonzo J Howard
pro se, and respectfully submits this written explanation
why the lower courts determination that this PCR action
is barred as successive and/or untimely was improper.

1) The PCR was not untimely - Equitable Tolling Applies
The one-year statute of limitations (§ 17-27-45(A))
should be equitable tolled. Appellant received the SLED
Sexual Assault Examination Protocol Form anonymously
by mail on February 10, 2025, the first time he became
aware of its existence. He filed his PCR application on
May 30, 2025, within a reasonable time after discovery.
This late discovery of material forensic evidence
through no fault of his own constitutes extraordinary
circumstances justifying equitable tolling. see McCray
v. State.

2) The PCR is Not Successive - Sufficient Reason Exists (§ 17-27-90) The SLED form provides a new factual basis that could not have been raised in the first PCR. Appellant had no knowledge of the form until February 2025. The form documents oral copulation (a required element of first-degree csc) with no DNA analysis, while the State relied only on glove DNA at trial. This constitutes sufficient reason under § 17-27-90. See *Aice v. State*, 305 S.C. 448, 409 S.E.2d 392 (1991).

3) The SLED form is Material Newly Discovered Evidence - Under *Hayden v. State*, 278 S.C. 610, 299 S.E.2d 854 (1983), the form satisfies all five criteria. It is material, was discovered after trial, could not have been discovered earlier with due diligence, and is not cumulative. An evidentiary hearing and re-analysis of the Sexual Assault kit are warranted.

4) Additional Due Process Violation - The trial court signed the Final Order of Dismissal on May 1, 2026, before considering Appellant's timely response filed on May 6, 2026. This violated Appellant's right to be heard. For these reasons, the lower court's dismissal was improper. Appellant respectfully requests that this Court reverse the dismissal and remand for an evidentiary hearing, or in the alternative, allow the appeal to proceed on the merits.

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**RIDGELAND CORRECTIONAL
INSTITUTION**

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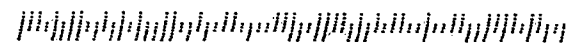
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The Supreme Court of South
Carolina

Patricia A. Howard, Clerk of Court
P O Box 11330
Columbia, SC 29211

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Tue July 14, 2026