

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1080

FAX: (803) 734-1499

www.sccourts.org

January 03, 2014

Mr. Pete S. Bryant, #242370
McCormick Correctional Institution
386 Redemption Way
McCormick SC 29899

Re: Pete S. Bryant v. State
Appellate Case No. 2013-002784
Lower Court Case No. 2012CP3800856

Dear Petitioner:

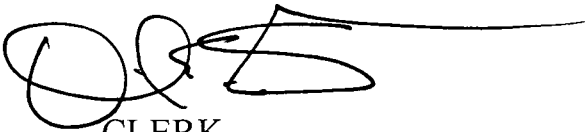
Upon reviewing your notice of appeal, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and this deficiency must be corrected within ten (10) days of the date of this letter:

- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal. You will need to provide a copy of both the conditional order of dismissal and the final order of dismissal.

Further, the public case index for Orangeburg County shows that a Rule 59 motion is pending in the circuit court. Therefore, you will need to explain why this appeal should not be dismissed without prejudice to your right to appeal once a ruling is made on the Rule 59 motion. *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986) ("This Court has previously held that a Notice of Appeal filed on the same day as post-trial motions does not deprive the trial court of jurisdiction to hear the motions. *Wicker v. Anderson County*, 347 S.E.2d 96 (S.C.1986); *Otten v. Otten*,

287 S.C. 166, 337 S.E.2d 207 (1985). We now hold that the service and filing of a Notice of Appeal before the filing of timely post-trial motions under Rule 59 by any party does not deprive the lower court of jurisdiction to consider the motions. . . . [I]n the event timely post-trial motions are filed under Rule 59, simultaneously with or subsequent to the filing of a Notice of Appeal, the appellant shall notify the Clerk of this Court in writing. Upon receipt of such notice, the appeal shall be dismissed without prejudice." This explanation should be provided within ten (10) days of the date of the letter.

Very truly yours,



CLERK

cc: Megan E. Harrigan, Esquire