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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

RECEIVED

JAN 15 2014

S.C. Supreme Court

September 26, 2013

Mr. John Portee, #263560
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210

Re: Your case

Dear Mr. Portee:

I received your letter of September 18, 2013, together with your proposed order. I will send you a copy of the PCR transcript after I have put the appendix together and before the petition is filed. That should be within the next 30-45 days. You will get the entire appendix at that time.

As for the question regarding the necessity of a Rule 59(e) motion, I agree that it is a frequent problem that the PCR court's order does not address all of the issues raised during the hearing. The general rule is that if it is not addressed in the Order of Dismissal, then it cannot be raised on appeal. Sometimes I find that an issue raised in the hearing can be teased out of the PCR court's order. I will carefully review your case and raise the issues that I think give you the best chance of winning. I do not like to file Johnson petitions and am hopeful that I can find a meritorious issue in your case, but obviously I cannot speculate on this until I have had a chance to read everything. I welcome your letters and citations to the record are helpful. I look forward to working with you. If you would like to call me, the best time to reach me is usually after 2:30PM.

Sincerely,

David Alexander
Appellate Defender

LEGAL MAIL

JANUARY 13, 2014

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

RECEIVED

JAN 15 2014

S.C. Supreme Court

DEAR CLERK SHEAROUSE:

I RECEIVED YOUR LETTER DATED JANUARY 9, 2014. PLEASE BE ADVISED THAT I HAVEN'T RECEIVED ANYTHING (COPY OF PETITION, APPENDIX) FROM MR. DAVID ALEXANDER ESQ. AS OF THIS DAY. HOWEVER, HE HAS CONVEYED TO YOUR OFFICE THAT HE SERVED ME WITH A COPY OF THE "PETITION AND APPENDIX".

FURTHERMORE, I WILL FILE A "PRO SE" BRIEF WITH YOUR OFFICE WHENEVER I RECEIVE THE ADEQUATE INFORMATION TO REVIEW AND DO SO. NEVERTHELESS, MY COUNSEL INFORMED ME IN A LETTER DATED SEPTEMBER 26, 2013 THAT HE WOULD SEND ME A COPY OF ALL RELEVANT MATERIAL "BEFORE" HE FILES THE PETITION..

MOREOVER, PLEASE TAKE INTO CONSIDERATION THAT I HAVEN'T RECEIVED OR REVIEWED THE PETITION MY COUNSEL FILED WITH THE COURT. SO UNTIL I AM IN RECEIPT OF THIS INFORMATION I ASK THAT YOU GIVE ME A TIME FREEZE OF THE (45) DAYS DEADLINE. PLEASE CONFER WITH MY COUNSEL AND CONFIRM MY ALLEGATIONS..

THANK YOU FOR YOUR TIME CONSIDERATION..

Sincerely,
John Portier #263560

John Portee #263560
BRCI/SALUDA-229
4460 Broad River Rd.
Columbia, S.C. 29210



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JAN 14 2014

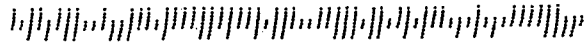
**BRCI
MAILROOM**

The Supreme Court of South Carolina
Daniel E. Spearouse
"Clerk of Clerk"
P.O. Box 11330, Columbia, S.C. 29211

LEGAL MAIL

SALUDA UNIT

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THE DEPARTMENT OF CORRECTIONS HAS NOT CENSORED
THIS ITEM. THEREFORE, THE DEPARTMENT DOES NOT
ASSUME RESPONSIBILITY FOR ITS WRITTEN CONTENTS.
WARDEN A
BROAD RIVER CORRECTIONAL INSTITUTION
T.C. DEPARTMENT OF CORRECTIONS