

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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MAR 31 2014

SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

Honorable G. Thomas Cooper, Circuit Court Judge

Case No.: 2013-GS-32-00914

State of South Carolina.....Respondent

vs.

Michael P. Dixon.....Appellant.

**REPLY TO RULE 203(B) EXPLANATION
PROVIDED BY TRIAL COUNSEL**

This matter comes before this Honorable Court by way of a Notice of Appeal filed at the request of Michael Dixon, the above named Appellant.

The Notice of Appeal, dated for on or about March 10, 2014, was filed by Erik J. Drylie of the Lexington County Public Defender's Office who was appointed to represent Appellant due to Appellant's indigency status.

On March 19, 2014, Appellant received from his trial counsel, a Notice of Appeal, a Document captioned as a RULE 203(B) EXPLANATION, a Proof of Service of same upon Mike Ross, Assistant Solicitor for Lexington County, and a letter dated March 11, 2014, which informed Appellant that he had "twenty (20) days from the date of the letter in which to inform the South Carolina Court of Appeals in writing of any arguable basis on which to assert that there are issues preserved for appeal" in his case.

Appellant respectfully informs this Honorable Court that he is unable to provide this Court with any arguable basis on which to assert that there are issues preserved for appeal in this case **at this time**, for the following reasons:

1. Counsel's information to this Court is factually incorrect to the extent that Counsel appears to lead this Court to believe that a Motion For Reconsideration was not filed. See "RULE 203(B) EXPLANATION."

A Motion For Reconsideration was filed, although Appellant does not know exactly by whom it was filed, and Appellant was taken to a hearing at the Richland County Courthouse in February of 2014, wherein the Honorable G. Thomas Cooper verbally DENIED the Motion. Counsel was present at that hearing and therefore, Appellant is at a loss as to why counsel now appears to claim that no such Motion For Reconsideration was ever filed.

2. Appellant is also unable to provide any arguable basis because he is currently without and transcripts of the guilty plea or the Motion For Reconsideration and his counsel refuses to provide him with his case files even though Appellant has written to the above named trial counsel on three (3) previous occasions requesting to be provided with case documents.

Based upon information and belief, trial counsel refuses to provide Appellant with his case file so as to hinder Appellant's ability to file an adequate Post-Conviction Relief Application since trial counsel did not make a reasonable investigation or take any reasonable action on behalf of Appellant in preparation for a possible trial.

3. Since Appellant received the letter from counsel dated March 11, 2014 on March 19, 2014, eight (8) days have already elapsed from the twenty (20) day time limit, which leaves only twelve (12) days in which to reply.

Even if Appellant possessed his file, which he does not, twelve (12) days is not a sufficient amount of time to allow Appellant, a prisoner that is not trained in the law, to research the law at the prison law library, complete any documents that may need to be completed, have the documents copied through the law library, obtain an appointment with the prison mail room to have additional postage placed on the letters and to mail the documents, whereas the current conditions of confinement make these things a task that would take Appellant at least a minimum of twenty-five (25) days and at the most, thirty-five (35) days to complete.

WHEREFORE, for the above stated reasons, Appellant respectfully moves this Honorable Court to provide the following relief in this matter:

1. That this Court issue an Order directing Erik J. Drylie of the Lexington County Public Defender's Office to provide Appellant with a copy of Appellant's complete case file under the authority of the South Carolina Supreme Court's holdings in In The Matter of Haddock, 321 S.E.2d 601 (1984) and Matter of Crossland, 270 S.C. 546, 243 S.E.2d 198 (1987);

2. That this Court issue an Order directing Erik J. Drylie of the Lexington County Public Defender's Office to review his own records so as to discover the Motion For Reconsideration that was filed and the results of the hearing that was held in February of 2014 at the Richland County Courthouse in that matter and the written Order DENYING RELIEF issued by the Honorable G. Thomas Cooper in that matter, and then to file a corrected Rule 203(B) Explanation with this Honorable Court and serve a copy of same upon the appropriate persons and upon the Appellant in a timely manner;

3.

3. That this Court then, after providing the relief requested above, provide Appellant with a reasonable amount of time in which to either provide an arguable basis upon which to allow the appeal to go forward or to voluntarily dismiss the appeal so as to proceed with his post-conviction relief remedies; and,

4. That this Honorable Court **GRANT** any such other and further relief that is within this Court's authority that this Court deems fair and just.

Respectfully Submitted,

March 21, 2014
Bishopville, South Carolina

Michael P. Dixon
Michael P. Dixon, #357412
Lee Corr., Inst., RID-226
990 Wisacky Highway
Bishopville, SC 29010

Appellant, Pro Se

Other Counsel of Record:
Mike Ross, Esquire
Assistant Solicitor
Eleventh Judicial Circuit
Lexington County Courthouse
Lexington, SC 29072
Telephone: UNKNOWN
Attorney for Respondent

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State of South Carolina.....Respondent

vs.

Michael P. Dixon.....Appellant.

CERTIFICATE OF SERVICE

I, Michael P. Dixon, herein Swear under penalty of perjury that I have on this date, served a True and Legible copy of a Reply To Rule 203(E) Explanation Provided By Trial Counsel, upon the State by hand delivering same to the Lee C I Mail Room, for deposit into the United States Mail, First Class Postage prepaid, and addressed as follows:

Office of the Attorney General
Attn: Alan Wilson, Esquire
Attorney General
P.O. Box 11549
Columbia, SC 29211-1549

Mike Ross, Esquire
Assistant Solicitor
Eleventh Judicial Circuit
Lexington County Courthouse
Lexington, SC 29072

Ms. Beth Carrigg
Clerk of Court
Lexington County Courthouse
139 E. Main st., Room 107
Lexington, SC 29072-3456

The Honorable Jenny Kitchings
Clerk of Court
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

March 27, 2014
Bishopville, South Carolina

Michael P Dixon
Michael P. Dixon, #357412
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Bishopville, SC 29010
Appellant, Pro Se

Michael Dixon, #357412
Lee Corr., Inst., RID-226
990 Wisacky Highway
Bishopville, SC 29010

March 21, 2014

The Honorable Jenny Kitchings
Clerk of Court
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: State v. Michael Dixon, 2013-GS-32-0914
REPLY TO RULE 203(B) EXPLANATION
PROVIDED BY TRIAL COUNSEL

Dear Ms. Kitchings:

Enclosed for filing, please find a document captioned as "REPLY TO RULE 203(B) EXPLANATION PROVIDED BY TRIAL COUNSEL and a CERTIFICATE OF SERVICE of same upon the Solicitor and other interested persons.

Also enclosed, please find an additional copy of appropriate documents to be clock-stamped and returned to me.

I have also included a self addressed envelope with adequate postage as is customary.

Thank you in advance for your assistance in this matter.

Sincerely,


Michael Dixon

/enclosures

cc: Clerk, Lexington County Clerk of Court
Alan Wilson, Esq., Attorney General of South Carolina
Mike Ross, Esq., Solicitor, Eleventh Judicial Circuit
File

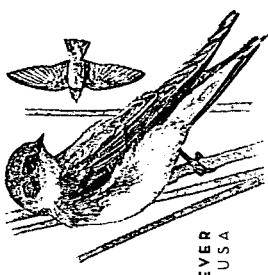
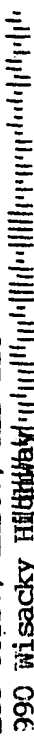
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SC Court of Appeals

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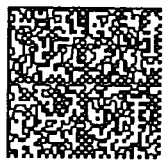
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South Carolina Court of Appeals
Attn: Jenny Kitchings, Clerk
P.O. ~~Box~~ 11629
Columbia, SC 29211

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SC Court of Appeals

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