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Robert M. Dudek, Chief Appellate Defender
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July 24, 2014

The Honorable Jenny Abbot Kitchings
Clerk of the South Carolina Court of Appeals
P O Box 11629
Columbia, SC 29211

RECEIVED
JUL 24 2014
SC Court of Appeals

Re: Nakia Jones v. State of South Carolina
Appellate Case No. 2014-000602

Dear Ms. Kitchings:

Please accept this letter in lieu of a formal return to the Motion to Reinstate the appeal and for clarification filed by David Belding, Esquire in the above-captioned case. The position of this office on this case, as conveyed to Mr. Belding, but apparently misunderstood, is straightforward: If this case is reinstated and allowed to proceed as a post-conviction relief appeal this office will handle the appeal. Conversely, if this Court agrees with the trial court that this is an appeal of a declaratory judgment action and a habeas action that was originally filed to evade the successive PCR rule this office will not handle the appeal.

Further, this office is not responsible for an appeal unless and until trial counsel has timely filed the appeal, and provided this Court with any information this Court deems necessary to determine if an appeal should go forward. If you have any questions or concerns regarding this matter, or if I can be of assistance, please do not hesitate to contact me.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

cc: Megan E. Harrigan, Assistant Attorney General
David E. Belding, Esquire