

THE LAW OFFICE OF JONATHAN WALLER, LLC
1720 MAIN STREET, SUITE 104
COLUMBIA, SC 29201

July 25, 2014

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

RECEIVED

JUL 28 2014

Re: Timothy Charley v. State
Appellate Case No.: 2014-001538

S.C. SUPREME COURT

Dear Mr. Shearouse:

I am in receipt of your letter dated July 23, 2014. Please consider this reply as my letter regarding Petitioner's notice of appeal. I must inform the Supreme Court that as an officer of this Court, I am unable to set forth an arguable basis for asserting the determination by Judge Murphy's Final Order of Dismissal that the PCR application was barred as being successive to prior Post Conviction Relief Applications was improper. By copy of this letter, I am specifically advising Mr. Charley that he should notify this Court, in writing, no later than twenty (20) days from the date of this letter, of any arguable basis the Petitioner may wish to assert that the determination that the PCR application was improper as required by Rules 203(d)(1)(B) and 243 of the South Carolina Appellate Court Rules.

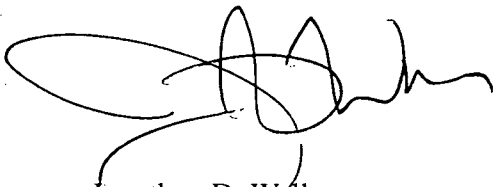
With regards to Petitioner's *White v. State* claim, Petitioner is further advised that even if he is ultimately able to prevail on the issues in this current appeal, he would only be granted a belated appeal from his guilty plea. Consequently, in that belated appeal, Petitioner must also provide a written explanation showing that there is an issue which can be reviewed on belated appeal. Specifically, this explanation should identify the issue(s) to be raised on appeal and the factual basis for the issues(s), including how the issue(s) was raised below and the ruling of the lower court on that issue(s). If an issue was not raised to and ruled on by the lower court, the explanation shall include an argument and citation to legal authority showing how this issue can be reviewed on appeal. (See Rule 203(d)(1)(B) of the South Carolina Appellate Court Rules).

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With reference to Petitioner's *White v. State* claim, I must inform the Supreme Court that as an officer of this Court, I am unable to identify any issue which can be reviewed on appeal. By copy of this letter, I am instructing Petitioner that he must notify this Court, in writing, no later than twenty (20) days from the date of this letter, of any arguable basis for a belated appeal from his guilty plea as required by Rules 203(d)(1)(B) and 243 of the South Carolina Appellate Court Rules.

Sincerely,



Jonathan D. Waller
Attorney for Petitioner
SC Bar No.: 76290
1720 Main Street, Suite 104
Columbia, SC 29201
803-256-0011 (phone)
866-213-8870 (fax)
jonathanwallerlaw@gmail.com

cc: Timothy Charley, #265146

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JUL 28 2014

SC SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM ORANGEBURG COUNTY
Maité Murphy, Circuit Court Judge

2013-CP-38-01016

Timothy Charley, #265146,

Appellant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

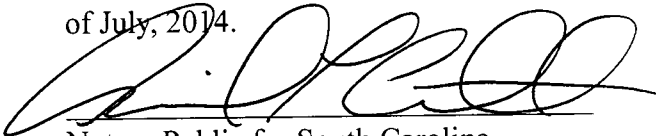
CERTIFICATE OF SERVICE

The undersigned hereby certifies that one copy of the Attorney's Letter to Clerk of Court dated July 25, 2014 in the above-entitled case has been served upon Petitioner, Timothy Charley, #265146, by mailing in an envelope properly addressed with postage prepaid on this 25th day of July 2014.



Jonathan D. Waller
Attorney for Petitioner
SC Bar No.: 76290

SWORN TO BEFORE me this 25 day
of July, 2014.

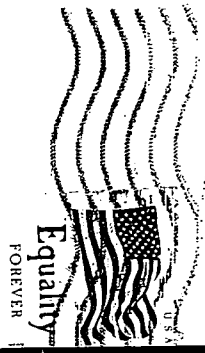


Notary Public for South Carolina
My Commission Expires: 2-27-23

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25 JUL 2014 PM 3 L



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