

STATE of South Carolina  
County of Horry

Michel A. Dukes SR. #311176

VS.

STATE of South  
Carolina,  
Defendants

IN THE Supreme Court of South  
Carolina

Amendment to Rule 243(c)

Appellate case No. 2014-001535

RE: 2013-CP-26-2686

RE: 2008-CP-26-0489

Ground for relief asserted which, for sufficient  
reasons, was not asserted or was inadequately raised  
in the original, supplemental or amended application.

In ~~order~~ <sup>order</sup> to preserve all issues for appellate review, Counsel must carefully review the final order and address any insufficiency through a Rule 59(e) motion requesting the PCR Court to specifically address each issue raised in the application. In several past cases, where the final order lacked specific findings of fact and conclusions of law, the South Carolina Supreme Court has overlooked the failure to file a Rule 59(e) motion and remanded for specific findings (or, in some cases, a new hearing) in order to address the pervasive problem of inadequate orders. A Rule 59(e) motion may also be used when the order contains an erroneous finding of fact, a misapplication of law, or if there has been intervening authority relevant to an issue in the case. when trial Counsel fails to challenge an arrest warrant under U.S. 4th amendment; South Carolina Constitution article I, Section 10; and South Carolina State Statute §17-13-140 and still get a conviction stands but only through erroneous findings of fact, misapplication of law, and also intervening authority. See: Sikes v. STATE, 448 S.E.2d 560 (S.C. 1994); STATE v. Covert, 675 S.E.2d 740 (2009). Also see the following cases to show that there is an arguable basis for asserting that the determination by the lower court was improper: McCullough v. STATE, 464 S.E.2d 340, 341 (S.C. 1995) (remanding matter to PCR Court, despite the fact that no Rule 59(e) motion had been filed, and admonishing all parties to carefully prepare and review PCR orders to ensure that they specifically address the issues raised and make conclusions of law); and McCray v. STATE, 408 S.E.2d 241 (S.C. 1991) (reversing order denying application for relief and remanding for a new PCR hearing where PCR Court's order failed to make specific findings of fact and conclusions of law sufficient for appellate review).

**RECEIVED**

JUL 30 2014

Michel A. Dukes SR. #311176  
ECL-FI-211-B  
610 Hwy 9 West  
Bennettsville, SC  
29512

S.C. SUPREME COURT

Date: 7-27-2014

Respectfully Submitted,  
Michel A. Dukes SR. #311176  
Pro. se litigant

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

Michêl A. Dukes<sup>SR.</sup>, #311176  
Petitioner

VS.

The State of South Carolina,  
Respondent

IN THE SUPREME COURT OF  
SOUTH CAROLINA

Appellate case no. 2014-001535

Certificate of Service

The undersigned pro-se litigant hereby certifies that a true copy of the Amendment to RULE 243 (C) has been served upon THE SUPREME COURT OF SOUTH CAROLINA, the honorable clerk of court Daniel E. SHEAROUSE Post office BOX 11330 Columbia, SC 29211.

- 1) I am the pro-se litigant in the above captioned action.
- 2) Regular communication by mail exists throughout the State of South Carolina and that is a proper circumstance of service by mail.
- 3) I have this day served a true copy of the Amendment to RULE 243 (C) in the above-captioned matter on the following person by depositing same in the UNITED STATES MAIL, Postage prepaid:

Daniel E. SHEAROUSE  
Clerk of Supreme Court of  
South Carolina  
Post office BOX 11330  
Columbia, SC  
29211

Date: this 27<sup>th</sup> day of JULY, 2014

MR. MICHAEL A. DUKES SR #311176

ECI-FI-211-B

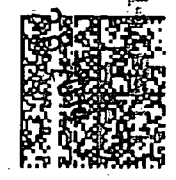
610 Hwy 9 West

Bennettsville, SC

29512

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The Supreme Court of South

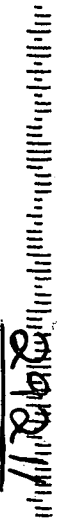
Carolina - The honorable

Daniel E. SHEAROUSE,

CLERK OF COURT

Post Office Box 11330

Columbia, South Carolina



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S. C. DEPARTMENT OF CORRECTIONS

THE DEPARTMENT OF CORRECTION HAS NEITHER  
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RESPONSIBILITY FOR ITS CONTENTS.