

Mr. Linula B. Abebe #285447, Petitioner

RECEIVED

SEP 04 2014

vs.

S.C. SUPREME COURT

State of South Carolina, Respondent

Rule 263(b) motion to Reopen Case

On Aug 28 2014, I received an order of dismissal dated Aug 26 2014 from the Clerk. Said order stated that my case is being dismissed the court didn't receive letters regarding ~~the~~ ordering the transcript.


I believe dismissal is a little drastic for such a minor offense even though the rules allow dismissal for not abiding by the rules.

Therefore I am filing this motion to reopen the case while providing you with the letters in question. Exhibit-A is my July 16 2014 transcript request. Exhibit-B is the letter from the S.C. Court Administration completing the arrangement. As you can see by Exhibit-B, arrangements for payments and delivery were made. It was my mistake in not serving the court.

The letters have nothing to do with the merits of my appeal nor whether or not I am entitled to relief so you shouldn't be so drastic ~~or~~ by dismissing without first ruling on the merits of my grounds for relief. Its the civilized thing to do. Thank you.

Based on the foregoing, I ask that this case be reopened.

McCormick S.C.
Aug 29 2014

15 
Mr. Linula B. Abebe #285447
MCI/SMU #A-101
386 Redemption Way
McCormick S.C. 29899


CERTIFICATE OF SERVICE

I, Mr. Linula Abebe did on Aug 29 2014 served a motion to reopen case w/2 exhibits upon:

1. CLERK OF COURT P.O. Box #12456 Columbia S.C. 29211
2. Attorney Gen. P.O. Box #11549 Columbia S.C. 29211

By depositing the same into the custody of the prison mailroom staff, in compliance with rules for sending legal mail, I certify that the above is true

Date: Aug 29 2014

15 
Mr. Linula B. Abebe #285447
SAME AS ABOVE

To: S.C. Court Administration

EXHIBIT-A

RE: REQUEST FOR TRANSCRIPT IN CASE Abebe v. State
Case No. 2010-CP-31-0052

DEAR Sir/Ma'am

My name is Mr. Unula B. Abebe and I am the pro'se applicant in the P.C.R. case Abebe v. State 2010-CP-31-0052. I am requesting the Transcript of my Feb. 25 2011 hearing. The hearing was held in the Sumter County Courthouse and the presiding Judge is George C. James J.R. I have already filed for in forma pauperis status and it continues on appeal. If you would still like additional proof of indigency please let me know. THANKS!

McCormick S.C.
July 16 2014

15. ~~Unula B. Abebe~~
Mr. Unula B. Abebe #285447
MCC/SMA #A-101
386 Redemption Way
McCormick S.C. 29299

IN THE STATE OF SOUTH CAROLINA
County of McCormick

EXHIBIT - C

Uwala B. Abebe # 255447
Affiant

AFFIDAVIT

I being duly sworn depose and say:

1. My name is Mr. Uwala B. Abebe and I am the Affiant of this Affidavit.
2. I am the Applicant in the PCR case Abebe v. State 2010-CP-31-0032 filed in the Third Circuit Court of LEE.
3. I filed the PCR without costs of filing etc because of my poverty.
4. At this time I am unable to pay for the transcript, also because of my poverty, of the February 25 2014 PCR hearing in my case.

Sworn to and subscribed before me
this 14th day of Aug 2014
by Perry L. Moton
Notary Public for South Carolina
My Commission Exp: Feb 28 2018

by Uwala B. Abebe
Mr. Uwala B. Abebe #255447
MCCL/SKW #A-101
386 Redemption Way
McCormick S.C. 29899



EXHIBIT - B

South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

ROSALYN FRIERSON
DIRECTOR

1015 SUMTER STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

MEMORANDUM

TO: Margaret Sullivan
FROM: Court Reporting Section
RE: Request for transcript
DATE: August 11, 2014

I have enclosed a letter from Mr. Unula B. Abebe who is requesting a transcript from proceedings heard by the Honorable George C. James, Jr. on February 25, 2014. Our records reflect that you were assigned to Judge James in a term of Sumter County Common Pleas Non-Jury/PCR court on that day. Please determine if this proceeding was recorded by you and contact Mr. James to make arrangements for payment for preparation and delivery of the transcript. Kindly copy this office on the correspondence. Thank you for your attention to this matter.

Enclosure

cc: Unula B. Abebe #285447
MCI
386 Redemption Way
McCormick, SC 29899

