



The Supreme Court of South Carolina

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CLERK OF COURT

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October 27, 2014

Tristan Michael Shaffer, Esquire
4701 Oleander Drive
Myrtle Beach SC 29577

Re: *Darnell Hunter v. State*
Appellate Case No. 2014-002268
Lower Court Case No. 2013CP1600571

Dear Counsel:

Enclosed is a *pro se* explanation with a proof of service (minus attachments) which has been received by this Court. Since appellate review in a post-conviction relief case is commenced by serving and filing a notice of appeal, this document has been construed as a notice of appeal.

This case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/HTMLFiles/2007-08-13-

02.htm. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

To determine the timeliness of this appeal, I ask that you please advise this Court of the date on which you received *written notice of entry* of the final order dated May 12, 2014. Further, I ask that you also provide this Court with a copy of the conditional order of dismissal.

Finally, since the order of the circuit court determined that this action is barred as being successive and/or as being untimely under the statute of limitations, Rule 243(c) of the South Carolina Appellate Court Rules requires you to provide a written explanation as to why this determination was improper. This explanation must contain sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper. The failure to make a sufficient showing may result in the dismissal of this matter.

In the event you determine that you do not have a good faith explanation to provide pursuant to Rule 243(c), you must provide this Court with a letter stating that as an officer of the Court you are unable to set forth any arguable basis for asserting determination by the PCR judge was improper. The letter should also advise petitioner that he has twenty (20) days from the date of the letter to file a *pro se* explanation as to why the petitioner believes that this determination by the circuit court was improper. *Dennison v. State*, 371 S.C. 221, 639 S.E.2d 35 (2006). The letter filed with this Court should include proof of service showing that a copy of the letter has been sent to the petitioner.

I ask that you please provide the date requested above, a copy of the conditional order of dismissal, and the explanation required by Rule 243(c) or the response permitted by *Dennison* within ten (10) days of the date of this letter.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

Enclosure

cc: Joshua L. Thomas, Esquire
Mr. Darnell Hunter, #260730