

Joseph Walker
SCDC# 285497
PCI (2A-203)
430 Oaklawn Rd.
Pelzer, SC. 29669

RECEIVED

RE: Joseph Walker v. State
Appellate Case No.2014-002187
Lower Court Case No.2014-CP-23-03382
EXPLANATION

OCT 30 2014

S.C. SUPREME COURT

October 27, 2014

To the Court:

Appellant in the above captioned filed a pro-se Notice of Appeal in regards to the dismissal of the lower court case number and on October 20, 2014 this Court advised Appellant that he has a "pending" case on appeal and that in accordance with Rule 71.1(b), SCRCPC, Appellant cannot file an application for post conviction relief while an appeal from a conviction or sentence is pending. This Court had graciously allotted Appellant 10-days to provide the Court with an "Explanation" as to why the notice of appeal should not be dismissed. In support of the Explanation the Applicant would show unto this Court the following:

(1). Appellant does have a case currently pending on appeal with this Court (Appellate Court Case No.2013-000766), but the case that is currently pending stems from (Indictment no.2011-GS-23-8458, **attempted murder**) to which Appellant proceeded to trial by jury **April 1-2, 2013**, and was found guilty and sentenced. That is the case that is presently pending on appeal with this Court.

(2). On **June 6, 2013**, Appellant had other "unrelated" charges to which he entered a plea of guilty to on **June 6, 2013**, thus trigger the one-year statute of limitations on the "unrelated" offenses (Indictment no.'s 2012-GS-23-2020; 2012-GS-23-1286; and 2012-GS-23-1287 and 2012-GS-23-2002). These cases and indictments are the subject of the Notice of Appeal regarding the dismissal of the PCR application referenced by this Court's Notice to Appellant. (This Court's October 20, 2014 required "Explanation").

(3). Applicant would submit to this Court to just simply glean the indictment numbers referenced in ¶¶(1) and (2) and this Court will have no problem in seeing that the case referenced in ¶(1) and the case referenced in ¶(2) are **separate and distinct**. The case in ¶(1) is presently pending on appeal and the case in ¶(2) is the subject of the PCR and Notice of Appeal in the instant explanation.

(4). Appellant would submit that this is the entire argument in a nutshell regarding the PCR. Appellant would submit that when he pled guilty **June 6, 2013** to the indictment numbers listed in ¶ (2), the one-statute of limitations began to run on June 6, 2013.

(5). The PCR and Notice of Appeal have **nothing** to do with the pending appeal no.2013-000766, as Appellant went to trial on that offense April 1-2, 2013, and therefore the case in ¶¶(1) and (2) are separate and distinct actions.

CONCLUSION

WHEREFORE, based on the foregoing Appellant would ask this Honorable to either **remand** Appellate case no.2014-002187/Lower Court case no.2014-CP-23-003382 back to the lower court for a PCR hearing with the appointment of PCR Counsel for Appellant or in the alternative appoint Appellant Appellate Counsel for full briefing in Appellate Case no.2014-002187. Appellant would submit to this Court that **remand** would be the appropriate remedy and save judicial economy and this Court's time.

THEREFORE, Appellant would ask this Court affix the appropriate relief this Court deems just and appropriate.

Respectfully Submitted

/s/ Joseph C. Walker
Joseph Walker
pro-se

CERTIFICATE OF SERVICE

The undersigned does hereby certify he has served a true and correct copy of the instant Explanation on the Attorney General's Office, Ms. Karen C. Ratigan, P.O. Box 11549, Columbia, SC, 29211 by affixing first-class postage and placed in the U.S. Mail this 27th day of October 2014.

The Original was placed in the U.S. Mail the same day stated above and mailed to the Supreme Court Clerk, Mr. Daniel Shearouse P.O. Box 11330, Columbia, SC. 29211.

Sworn to and Subscribed Before Me

this 27 day of October 2014,

Nancy C. Mitchell
NOTARY PUBLIC

Respectfully Submitted,

/s/ Joseph C. Walker
Joseph Walker, pro-se

My Comm. Expires 1-23-2021

#285497/022A-203

Joseph L. Walker

Payee Inv. Acct.

430 Antelasma Rd.

Lehigh, D.C. 29669

RECORDED

OCT 27 2014

P.C.I. MAILROOM

The Supreme
Mr. David Shears
P.O. Box 11330,
Columbia, D.C. 20543

ATTACHMENT OF CORRECTIONS WAS
SEARCHED THIS ITEM, THEN THE
PARTMENT DOES NOT ASSUME
LIABILITY FOR ITS WRITTEN CONTENTS.
DEPARTMENT OF CORRECTIONS