

The Supreme Court of South Carolina

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November 10, 2014

Mr. Quincy McCoy, #301045
McCormick Correctional Institution
386 Redemption Way
McCormick SC 29899

Re: Quincey M McCoy v. State
Appellate Case No. 2014-002157
Lower Court Case No. 2013CP3201392

Dear Mr. McCoy:

In this post-conviction relief case (PCR), this Court has received your explanation under Rule 243(c) of the South Carolina Appellate Court Rules (SCACR). In this explanation, you assert that you are entitled to an *Austin v. State*-belated appellate review in 2011CP3200413 (2011 PCR Case).


First, I do not see where this *Austin v. State* claim was ruled on by the circuit court judge in 2013CP3201392 (2013 PCR Case) in either the final order or the conditional order of dismissal. I ask you to please provide this Court with a copy of your PCR application or other document showing that this issue was raised to the circuit court in the 2013 PCR Case. I also ask you to indicate how this issue was ruled on by the circuit court judge in the 2013 PCR Case.

Second, in the 2011 PCR case, the order of the circuit court determined that that action was barred as being successive and as being untimely under the statute of limitations. Therefore, even if it were ultimately determined that you are entitled to a belated *Austin* review, in such an appeal you would need to provide the

explanation under Rule 243(c), SCACR. Therefore, I ask that you please provide a written explanation under Rule 243(c) for the 2011 PCR case. 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 in the 2011 PCR Case was improper.

Please provide the requested document, information and Rule 243(c) explanation within twenty (20) days of the date of this letter.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a series of loops and a long horizontal stroke extending to the right.

CLERK

cc: John Walter Whitmire, Esquire