



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1080

FAX: (803) 734-1499

www.sccourts.org

November 19, 2014

Scott Innes McNeish, Esquire
125 Crosscreek Dr., Ste. 106
Summerville SC 29485

Re: Donald J. Mauldin v. State
Appellate Case No. 2014-002093
Lower Court Case No. 2011CP1800603

Dear Counsel:

This Court has received a *pro se* notice of appeal from your client along with a notice of appeal that you apparently prepared for Mr. Mauldin to sign. Both notices of appeal are dated September 23, 2014.

Under Rule 71.1(g) of the South Carolina Rules of Civil Procedure and Rule 264 of the South Carolina Appellate Court Rules (SCACR), I remind you that you remain his counsel of record before this Court.

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.

Neither notice of appeal has been accompanied by a proof of service showing that a copy of the notice of appeal has been served on opposing counsel as required by Rules 243(b) and 203(d)(1)(B)(iii), SCACR. Therefore, you will need to provide this Court with a proof of service showing that at least one of the notices of appeal has been timely served on opposing counsel.

Additionally, to determine the timeliness of the notice of appeal, it will be necessary for you to advise this Court of the date on which you received written notice of entry of the order dated August 22, 2014.

Finally, since the order of the circuit court determined that this action is barred 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 the 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 a proof of service showing that a copy of the letter has been sent to the petitioner.

I ask that you please provide the following within ten (10) days of the date of this letter:

- (1) A proof of service for either or both of the notices of appeal showing that a copy has been served on opposing counsel.

- (2) The date on which you received written notice of entry of the order dated August 22, 2014.
- (3) The explanation required by Rule 243(c) or the response permitted by *Dennison*.

Very truly yours,

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

CLERK

cc: Megan E. Harrigan, Esquire