

QUINCY McCoy #301045
McCormick, Carr Inst
386 Redemption Way
McCormick, S.C. 29877

Date 10-28-2014

Appellate Case ~~No~~ 2014-002157

DEAR Honorable Daniel E. STEARNS

I Quincy McCoy, 301045 IS reply to your recent letter dated October 16, 2014. Enclosed Please Find the ORIGINAL copy of my written explanation along with Proof of service.

It would be a great Honor if you could Please returned to me a clocked-dated stamped copy.

Respectfully Submitted

Pro, se Petitioner

c.c: q.m:

c.c: H.D.E.S:

State of South Carolina
In the Supreme Court
Appellate CA/ No, 2014-002157

Quincy McCoy, 301045. Petitioner

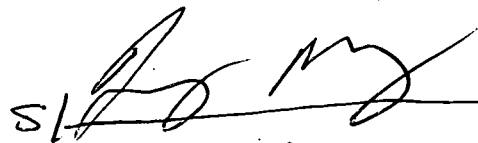
VS

State of South Carolina. Respondent

Proof of Service

I Quincy McCoy, 301045 Hereby
Serving a true copy written explanation
upon Honorable Daniel Estessrouse
South Carolina Supreme Court, Post office
Box 11330, Columbia, S.C. 29211 By placing
A true copy in the United States mail.

Sworn before me this
Day 28 of Oct, 2014
Notary Jeff Franklin
Expire 12.16.2019


Quincy McCoy 301045
386 Redemption Way
McCormick, SC 29899

State of South Carolina
In The Supreme Court
Appellate CA No/2014-002157
Quincy McCoy, 301045 Petitioner
VS
State of South Carolina Respondent

Pro, se Petition For Written
EXPLANATION Pursuant to Rule
243(C) of The Appellate Court Rules

This matter is pursuant to Pro, se
Petition written explanation pursuant
to Rule 243(C) of the Appellate Rules.

The applicant filed third PCR Application
Case No# 2013-CP-1392 pursuant to My second
PCR case No# 2011-CP-32-413, and the appli-
cant alleges in his third PCR At Pg(3) Line
(1) Ineffective assistance of counsel PCR
counsel, Due to his 2011-CP-32-413, My
second Application PCR counsel ARI, D
Bax Esquire counsel for applicant that
represented me on my PCR did not file
my notice of appeal of the denial of
the applicant successive PCR applicat-
ion filed by applicant on February 2, 2011

and A motions hearing was held on August 13, 2011. In the applicant case counsel did represent applicant on his second PCR and counsel did advise the applicant that he was going to file Notice of Appeal and the applicant did have a right to file a Notice of Appeal pursuant to written order of denial and the applicant Request for counsel to file Notice of Appeal after the applicant PCR hearing was over.

PCR Court Judge did advise counsel that Applicant does have a right to appellate review, Notice of Appeal must be served and filed within thirty (30) days after receipt by counsel of Notice of entry of this order, cite At Rule 203 and 243 of the South Carolina Appellate Court Rules. This court notes that Post-conviction Relief counsel "must" advise an applicant of the right to seek Appellate review of a Post-conviction relief order. State v Bray 366 S.C. 137 620 S.E.2d 743 (2005). Also pursuant to Austin v State 305 S.C. 453, 409 S.E.2d 395 (1991) "An applicant has a right to an appellate counsel's assistance in seeking review of the denial of Post-conviction Relief Rule 71.1(g) S.C.R.P. Provides that if the applicant wishes to seek appellate review, Post-conviction Relief counsel must serve and file a Notice of Appeal on an applicant's behalf.

Applicant does consent that he filed a third PCR 2013-CP-1392, and the Respondent is correct because this Newgrounds At Pg(3) Line(10) subsection (C) Time Reduction under amend section 17-25-65 b (1)(4) is not allowed to be addressed in a PCR Level only Per trial Motion to Remodify sentences Time Reduction and this is the only Newgrounds allegation is addressed in my 2013-CP-1392 PCR Application; and the Applicant filed his third PCR Application to make the PCR court to grant the Applicant a Notice of Appeal pursuant to his second successive application case No; 2011-CP-82-413; and PCR counsel failed to file my Notice of Appeal and my second PCR grounds in my third PCR application does fall as grounds to support my "ineffective assistance of PCR counsel did not file my Notice of Appeal and the ground in my third PCR allegation for failure to investigate newly discovered evidence claim," is the same grounds in my second PCR Application that counsel did not file my Notice of Appeal.

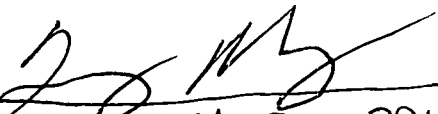
Last

Applicant third application was only for "Austin v state review" seeking PCR application due to counsel never filed notice of appeal pursuant to my second PCR application which PCR court did bar my third PCR application as successive application.

conclusion

Therefore pro, se petitioner should be entitled to seek Austin Review based on written explanation based on the facts of law.

Dated 10-28 2014

sl/ 
Quincy McCoy 301045
386 Redemption way
McCormick, O.C. 29899