



ALAN WILSON
ATTORNEY GENERAL

November 6, 2014

Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The State v. Alfonso Ware, Jr.
Appellate Case No. 2014-001470
Appeal from DNA Application Denial

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Dear Ms. Kitchings:

I am in receipt of Mr. Ware's recent correspondence to you concerning the failure to have received a copy of a transcript. In addition, he advises the court that he has previously served a *pro se* "Initial Brief of Appellant." Please be advised that we had previously received the *pro se* document styled as such. However, we noted that this was an appeal from a June 20, 2014 Order of Summary Dismissal of an Application for DNA testing under § 17-28-10, et. seq. Pursuant to SCACR Rule 247, we understood that this matter had to be presented to this Court pursuant to a petition for writ of certiorari with an appendix served upon the Respondent which includes the entire lower court record, including what pleadings and attachments were made in the lower court, in addition to the Order denying the request. At this date we have not received wither a petition for writ of certiorari or an appropriate appendix consisting of the entire lower court record. It appears that Mr. Ware is mistaken that the rules concerning "Initial Briefs of Appellant", such as SCACR Rule 208 apply.

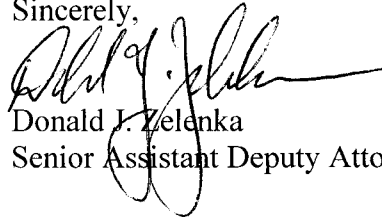
Until the Appellant makes a proper petition for writ of certiorari with an appendix consistent with SCACR Rule 247, including all materials and pleadings before Judge Keesley, the State will defer any response. In light of Rule 247, we are treating the *pro se* "Initial Brief of Appellant" as a nullity. If our interpretation of the status of this case is in error, please advise.

Honorable Jenny A. Kitchings
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By copy of this letter, we are advising Mr. Ware of our communication with the Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald J. Zelenka", with a long, sweeping horizontal stroke extending to the right.

Donald J. Zelenka
Senior Assistant Deputy Attorney General

DJZ/lbb

cc: Alfonso Ware, Jr., #168464
Robert M. Dudek, Esquire
Donald V. Myers, Solicitor



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