

The Supreme Court of South Carolina

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January 21, 2015

Mr. Bennie James Riser, Jr., #218912
McCormick Correctional Institution
386 Redemption Way
McCormick SC 29899

Re: Bennie J. Riser v. State
Appellate Case No. 2015-000093
Lower Court Case No. 2011CP4201034

Dear Mr. Riser:

This Court has received your notice of appeal, and the 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/displayOrder.cfm?orderNo=2014-04-15-02. 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.

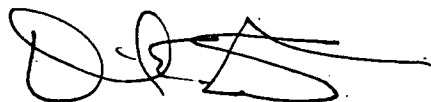
You have not provided a proof of service showing that a copy of the notice of appeal has been served on opposing counsel as required by Rules 243(b) and 203(d)(1)(B)(i) of the South Carolina Appellate Court Rules (SCACR). Therefore, it will be necessary for you to provide a proof of service showing that a copy of the notice of appeal has been served on opposing counsel. This proof of service should be substantially in the form shown in the enclosed form.

Since the order of the circuit court determined that this action is barred as being successive and/or as being untimely under the statute of limitations, Rule 243(c), SCACR, 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.

Finally, the final order in this matter is dated November 20, 2014, and was filed with the clerk of the circuit court on that same day. To determine the timeliness of this appeal, I ask that you please provide this Court with the date on which you received written notice of entry of this order. *See* Rule 203(e)(1)(C), SCACR ("if appropriate for the determination of the timeliness of the appeal, [the notice of appeal shall contain] a statement of when the appealing party received notice of the order or judgment from which the appeal is taken").

You will need to provide this Court with the proof of service for the notice of appeal, the explanation required by Rule 243(c), and the date on which you received written notice of entry of the final order in this matter within twenty (20) days of the date of this letter. Failure to do so may result in the dismissal of this matter.

Very truly yours,



CLERK

Enclosure (Form 7)

cc: Suzanne H. White, Esquire