

# The Supreme Court of South Carolina

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January 27, 2015

R. Mills Ariail, Jr., Esquire  
11 North Irvine Street, Suite 11  
Greenville SC 29601

Re: Taurine Lee Fleming v. State  
Appellate Case No. 2015-000122  
Lower Court Case No. 2013CP2304180

Dear Counsel:

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](http://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](http://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

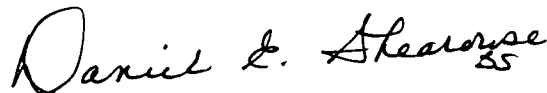
required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

The PCR judge determined all claims in this action are barred by the statute of limitations. If this ruling on the statute of limitations is to be challenged on appeal, then 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.

In the event you do not have a good faith explanation to provide pursuant to Rule 243(c), you must provide this Court, within fifteen (15) days, with a letter stating that as an officer of the Court you are unable to set forth any argument basis for asserting the determination by the PCR judge was improper. The letter should also advise the petitioner that he has twenty (20) days from the date of the letter to file a *pro se* explanation as to why he 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 proof of service showing that a copy of the letter has been sent to the petitioner.

As to any claim that petitioner is entitled to a belated appeal under *White v. State*, you have already indicated that you are not aware of any arguable explanation that can be provided under Rule 203(d)(1)(B), SCACR (explanation required when an appeal is taken from a guilty plea, Alford plea, or plea of nolo contendere), and you have advised your client of his ability to present a *pro se* explanation.

Very truly yours,

Handwritten signature of Daniel E. Shearouse in cursive script.

CLERK

cc: Karen Christine Ratigan, Esquire