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RECEIVED

September 3, 2015

SEP 08 2015

S.C. SUPREME COURT

Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

Re: Tonia C. Faile v. State
Appellate Case No.: 2015-001799
Lower Court Case No. 2013CP38000903

Dear Mr. Shearouse:

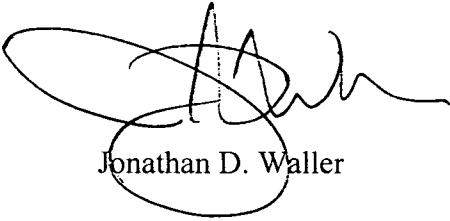
I am in receipt of your letter dated August 26, 2015. Please consider this reply as my letter regarding Petitioner's notice of appeal. I must inform the Supreme Court that as an officer of this Court, I am unable to set forth an arguable basis for asserting the determination by Judge Murphy's Final Order of Dismissal that the PCR application was barred as being filed beyond the statute of limitation was improper. By copy of this letter, I am specifically advising Ms. Faile that he should notify this Court, in writing, no later than twenty (20) days from the date of this letter, of any arguable basis the Petitioner may wish to assert that the determination that the PCR application was improper as required by Rules 203(d)(1)(B) and 243 of the South Carolina Appellate Court Rules.

With regards to Petitioner's *White v. State* claim, Petitioner is further advised that even if she is ultimately able to prevail on the issues in this current appeal, she would only be granted a belated appeal from her guilty plea. Consequently, in that belated appeal, Petitioner must also provide a written explanation showing that there is an issue which can be reviewed on belated appeal. Specifically, this explanation should identify the issue(s) to be raised on appeal and the factual basis for the issue(s), including how the issue(s) was raised below and the ruling of the lower court on that issue(s). If an issue was not raised to and ruled on by the lower court, the explanation shall include an argument and citation to legal authority showing how this issue can be reviewed on appeal. (See Rule 203(d)(1)(B) of the South Carolina Appellate Court Rules).

With reference to Petitioner's *White v. State* claim, I must inform the Supreme Court that as an

officer of this Court, I am unable to identify any issue which can be reviewed on appeal. By copy of this letter, I am instructing Petitioner that he must notify this Court, in writing, no later than twenty (20) days from the date of this letter, of any arguable basis for a belated appeal from his guilty plea as required by Rules 203(d)(1)(B) and 243 of the South Carolina Appellate Court Rules.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan D. Waller', with a large, stylized flourish at the end.

Jonathan D. Waller
The Giese Law Firm, LLC
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cc: Tonia C. Faile, #332051

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM ORANGEBURG COUNTY
Maité Murphy, Circuit Court Judge

2015-001799

Tonia C. Faile, #332051,

Appellant,

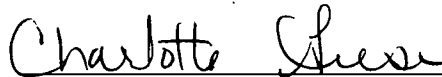
v.

STATE OF SOUTH CAROLINA,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that one copy of the September 3, 2015 Letter to Daniel E. Shearouse in the above-entitled case has been served upon Appellant, by mailing in an envelope properly addressed with postage prepaid on this 3rd day of September 2015.


Charlotte Giese

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