

The Supreme Court of South Carolina

Dameon Myers, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2015-001770

ORDER

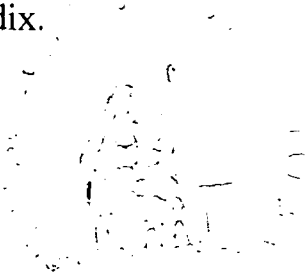
Petitioner has filed a *pro se* notice of appeal from an order dated June 16, 2015, and filed June 26, 2015, denying his application for post-conviction relief (PCR). On September 10, 2015, petitioner filed a motion for an extension of time in which he requested an extension of time through October 26, 2015 to serve and file his "initial brief," which was construed as a request for an extension of time to serve and file the petition for a writ of certiorari and the appendix. *See* Rule 243, SCACR. Therein, petitioner stated he had thirty days from the date of receipt of the transcript to file his petition for a writ of certiorari and that time had not elapsed. He also stated he had "yet to fully read the transcript that has been provided." The motion was granted.

Petitioner has now filed a petition to proceed *in forma pauperis* and to have the lower court provide the record at no cost. Therein, petitioner states he is unable to afford the costs of "obtaining the records from the lower courts," and notes "[t]his matter was first in the Court of General Sessions in Georgetown, South Carolina and then in the Court of Common Pleas in Georgetown, South Carolina." Petitioner requests he be allowed to proceed without paying the costs for the records and to have a copy of the record delivered to him and the Court at no cost. Petitioner has also filed another motion for an extension of time requesting that he be given thirty days from receipt of "the records from the lower courts" to serve and file the petition for a writ of certiorari and appendix.

We hereby associate the Commission on Indigent Defense, Division of Appellate Defense, for the limited purpose of obtaining and paying for any necessary

transcript(s), if such have not been obtained,¹ and records, and providing copies of the petition, appendix,² and, if necessary, briefs. Petitioner shall communicate with the Division of Appellate Defense for the purpose of coordinating these services.

The time for serving and filing the petition for a writ of certiorari and appendix is held in abeyance pending notice from the Division of Appellate Defense to this Court, with a copy sent to petitioner, that the transcript of the PCR hearing and relevant records have been provided to petitioner. Petitioner shall have thirty days from the date of that notice to serve and file the petition for a writ of certiorari and appendix.





FOR THE COURT C.J.

Columbia, South Carolina

October 21, 2015

cc:

Joshua L. Thomas, Esquire
Dameon Myers, #279666
Robert M. Dudek, Esquire

¹ We note that in his first motion for an extension of time, petitioner stated he had yet to read "*the transcript that has been provided*," which indicates he may already have a copy of the transcript of the PCR hearing. We also note that the order of dismissal states a transcript of petitioner's 2002 trial is not available because the court reporter's recording of the proceeding was destroyed pursuant to Rule 607, SCACR.

² Petitioner is advised that pursuant to Rule 243(f), SCACR, the appendix shall only contain a copy of the transcript of the PCR hearing and materials that were before Judge Nettles in the PCR action, along with a copy of the order of dismissal. No other materials shall be included in the appendix. Of note, the order of dismissal states Judge Nettles had before him a copy of the Georgetown County Clerk of Court records, petitioner's South Carolina Department of Corrections records, the PCR application, and the State's return.