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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED

APPEAL FROM GREENVILLE COUNTY

JAN 12 2016

J. Cordell Maddox, Jr., Circuit Court Judge

SC Court of Appeals

Trial Court Case No. 2014-CP-23-5969  
Appellate Case No. 2015-000759

Billy Joe Cartrette, ..... Appellant,

v.

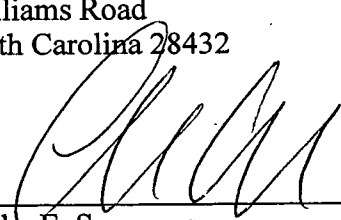
South Carolina Department of Corrections, ..... Respondent.

PROOF OF SERVICE

I certify that I have served copies of (1) the Clerk of Court's January 5, 2016 Letter to the Appellant and (2) the Respondent's Motion to Strike Matter Included by the Appellant in the Amended Record on Appeal and Allied Exhibits on the above named *pro se* Appellant by mailing a copy to him, first class postage pre-paid, at his new address:

Mr. Billy Joe Cartrette  
3402 Williams Road  
Clarendon, North Carolina 28432

January 12, 2016

  
\_\_\_\_\_  
Lake E. Summers

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January 12, 2016

VIA UNITED STATES MAIL

RECEIVED

H. FRANK MALONE  
1930-2002

JAN 12 2016  
SC Court of Appeals

Mr. Billy Joe Cartrette  
3402 Williams Road  
Clarendon, North Carolina 28432

Re: Recent Developments in Appeal Pending before South Carolina Court of Appeals and styled as *Billy Joe Cartrette, #122434, v. South Carolina Department of Corrections*; Appellate Case No. 2015-000759

Dear Mr. Cartrette:

On January 11, 2016, I received the letter you mailed to me in which you stated your mailed address had changed as of January 7, 2016. Thank you for forwarding your new mailing address and contact information to me.

On January 11, 2016, I also received a copy of what appears to be your final brief. As reflected by the envelope in which it arrived, Inmate Isiah James, Jr. mailed your final brief to me. From the envelope in which your final brief arrived, it looks like Inmate James placed your brief in the mail to me on January 8, 2016.

Given the above-described chronology, you may not have received the letter addressed to you at your former address and dated January 5, 2016 from the Honorable Jenny Abbott Kitchings, Clerk of the South Carolina Court of Appeals.

In its entirety, Ms. Kitchings' January 5, 2016 letter to you read as follows:

This Court declines to consider your petition for review of our order dated December 04, 2015, pursuant to Rule 240(i), SCACR. ("The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.") **However, the timelines for perfecting the appeal shall be held in abeyance pending a ruling on the Department's December 30, 2015 motion to strike.** [emphasis supplied].

Page 2 of 2

January 12, 2016

Re: Recent Developments in Appeal Pending before South Carolina Court of Appeals and styled as *Billy Joe Cartrette, #122434, v. South Carolina Department of Corrections*; Appellate Case No. 2015-000759

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For that matter, you may not have received the motion to strike I filed December 30, 2015 on behalf of the Department as referenced by Ms. Kitchings in the final sentence of her January 5, 2016 letter to you.

Therefore, out of an abundance of caution, I enclose the following items with my instant letter to you:

1. The January 5, 2016 letter from Ms. Kitchings to you; and
2. The "Motion to Strike Matter included by the Appellant in the Amended Record on Appeal" I filed December 30, 2015 on behalf of the Department.

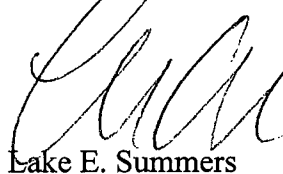
I also enclose a certificate of service reflecting my delivery of these items to you at your new mailing address.

As you can see, I'm copying Ms. Kitchings with this letter, and I'm also forwarding a copy of my certificate of service to Ms. Kitchings.

For the sake of clarity, I am not forwarding to Ms. Kitchings either a copy of her January 5, 2016 letter to you or another copy of the motion to strike I filed December 30, 2015 on behalf of the Department.

As always, I remain

Very truly yours,



Lake E. Summers

Enclosures

Cc:

The Honorable Jenny Abbott Kitchings,  
Clerk of the South Carolina Court of Appeals

LAW OFFICES

**MALONE, THOMPSON, SUMMERS & OTT LLC**