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JAN 21 2016

S.C. SUPREME COURT

The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
Post office Box 11330
Columbia, S.C. 29211

RE: Steven Collins v. State
Appellate Case No. 2016-000016
Explanation pursuant to 243c

Dear Shearouse:

In December 23, 2013 Mr. Collins explain to the court that he was on a mind changing drug called "Depacote" at 500 milligrams, twice a day, and it continued until October 13, 2013. That issue before has been presented in Prior PCR hearing on May 12, 2011 at Greenville County Courthouse, but the court did not order a competency evaluation. This is not only ill-legal but it gives way to equitable tolling. "A PCR Judge could not deny the Petitioner's right to a state funded competency evaluation prior to his PCR hearing. Counsel v. Catoe 597 S.E.2d 782 (S.C. 2004). A split authority as to whether the statute of limitations to file PCR actions is tolled by mental incompetency. Ferguson v.

State 667 S.E.2d 600(S.C. 2009) it has been held while an ongoing mental incompetency may warrant equitable tolling. What happened here is I am indigent and without counsel for PCR and this matter was purposely overlooked. The Petitioner's incompetency violates due process for being convicted while competence of the Petitioner was not verified.

Ineffective assistance of counsel claims for not ordering a competency hearing is a valid claim and this matter needs to be resolved as soon as possible. There have been no one on Petitioner's side to bring this to the Court and Petitioner's conviction is a violation of the due process clause. I'm not worthy to go any further, but medical records and mental health records are here at the McCormick Prison all I need is representation, the state's attorney expects me to explained why I couldn't raise this competency issue in a prior PCR well like I said the medication had me blind and I could not raise nothing about competency.

Wherefore, I have explained why this PCR should not be dismiss as successive or by state of limitation.

sincerely,

Steven Collins #141257
Steven Collins

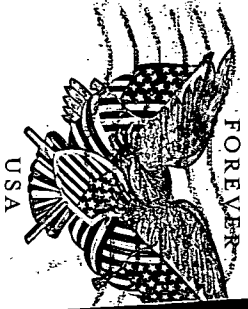
CERTIFICATE OF SERVICE

The undersigned hereby certify that he mail Explanation pursuant to 243c to Daniel E. Shearouse, Clerk for the Supreme Court of South Carolina this 15 day of January 2016 by depositing same in the U.S. mail at McCormick mailroom.

Steven Collins #141257
Steven Collins

Steven Collins, # 141257
MCCI #3-225
386 Redemption Way
McCormick, SC 29899

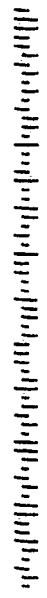
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The Supreme Court of South Carolina
Daniel Shearouse, Clerk
P O BOX 11330
Columbia, S.C. 29211

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