



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

April 6, 2016

Mr. Michel Andre Dukes, Sr., #311176
Evans Correctional Institution
610 Highway #9, West
Bennettsville SC 29512

Re: Michel A. Dukes, Sr. v. State
Appellate Case No. 2016-000040
Lower Court Case No. 2013CP2602686

Dear Counsel:

On January 11, 2016, this Court has received your notice of appeal. This notice of appeal is dated August 17, 2015, and was apparently served on that same date. This Court has no record of receiving this notice of appeal prior to January of this year.

This 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. 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. 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.

For this matter to proceed, it will be necessary for you to do the following within fifteen (15) days of the date of this letter:

- (1) Since the notice of appeal has not been filed with this office within the time specified by Rules 243(b) and 203(d), SCACR, you will need to serve and file a motion to allow the late filing of the notice of appeal. This motion will need to comply with the requirements of Rule 240, SCACR.
- (2) Since the circuit court determined that habeas corpus relief was improper in the circuit court because the issues could have been raised in a timely application under the Post-Conviction Relief Act (*see Simpson v. State*, 329 S.C. 43, 495 S.E.2d 429 (1998)), you must file 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 circuit court was improper. Rule 203(d)(1)(B)(vi), SCACR.

Failure to provide the above documents may result in the dismissal of this matter.

Very truly yours,



CLERK

cc: Joshua L. Thomas, Esquire