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January 21, 2016

RECEIVED

APR 21 2016

Via US Mail

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

S.C. SUPREME COURT

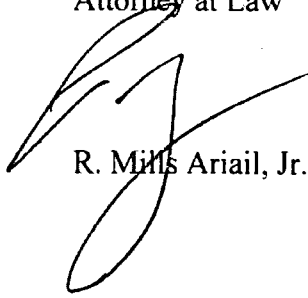
*Re: Notice of Intent to Appeal from Norman Keith Burgess vs. State of South Carolina C.A. No.: 2014-CP-39-0909*

Dear Mr. Shearouse:

I was Court Appointed in the above referenced matter, and I expect that appellate defense will handle the appeal and petition for certiorari. On behalf of my client, enclosed for filing please find the Notice of Appeal and proof of service. I've enclosed a copy of the Honorable Perry H. Gravely's Order of Dismissal to be challenged on appeal. By copy of this letter, I am also serving my client, counsel for the State of South Carolina, the South Carolina Commission of Indigent Defense - Appellate Defense Division and the Pickens County Clerk's Office.

Thank you for your assistance in this matter and if you have any questions, please feel free to contact me.

Sincerely,  
LAW OFFICE OF R. MILLS ARIAIL, JR.  
Attorney at Law

  
R. Mills Ariail, Jr.

RMAjr/dl  
Enclosures (as stated)

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM PICKENS COUNTY  
Court of Common Pleas

APR 21 2016

Perry H. Gravely, Circuit Court Judge

S.C. SUPREME COURT

Case No. 2014-CP-39-0909

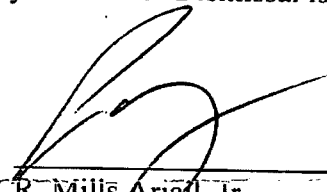
Norman Keith Burgess,..... Appellant,

v.

State of South Carolina ..... Respondent.

**NOTICE OF APPEAL**

Appellant appeals the Honorable Perry H. Gravely's Order of Dismissal dismissing Appellant's application for post-conviction relief. On January 14, 2016, the Honorable Perry H. Gravely signed an order dismissing Appellant's application for post-conviction relief with prejudice. Appellant, through counsel, received written notice of entry of this order on January 19, 2016. A copy of the Honorable Perry H. Gravely's Order of Dismissal is attached.



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Attorney for Norman Keith Burgess

Greenville, South Carolina  
January 21, 2016

Mr. Norman Keith Burgess, # 353672  
Broad River Corr. Inst.  
4460 Broad River Road  
Columbia, S.C. 29210

Date: 4/19/2016

The Supreme Court Of South Carolina  
The Honorable Daniel E. Shearouse,  
Clerk Of Court  
Post Office Box 11330  
Columbia, S.C. 29211

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APR 16

**S.C. SUPREME COURT**

RE: Norman K. Burgess V. State Of South Carolina  
C/A NO. 2014-CP-39-0909

Dear Mr. Shearouse:

This is in reference to the PCR hearing that was convened on December 16, 2015, at the Greenville county courthouse, Greenville, South Carolina. I have informed my counsel that I wish to appeal the PCR order of dismissal signed by the Honorable Perry H. Gravely, judge on January 14, 2016. I would request your office to let me know the status of the case. So I will be able to secure the appropriate appellate review of the denial of the post-conviction relief application.

The defendant is precluded from exhausting all available state remedies, state remedies are not deemed exhausted until the applicant utilized all procedures available under state Law to raise his claim. See Id, § 2254 (c). The applicant satisfies the exhaustion requirement by properly pursuing a claim throughout the entire appellate process of the state. See Justice of Boston Mun. Court v. Lydon, 466 U.S. 294,302-03 (1984) (Exhaustion requirement satisfied by presentation of claim on appeal to state supreme court from denial of motion to dismiss),

See e.g. McCandless v. Vaugh, 172 F. 3d 255, 260 (3d cir. 1999).

Wherefore, applicant prays this Honorable court will allow him to have his fair bite at the apple to exhaust all available state remedies through the appropriate appellate procedures available under state Law.

RESPECTFULLY SUBMITTED

SINCERELY YOURS

s/ Norman Keith Burgess

Nobman Keith Burgess # 353672

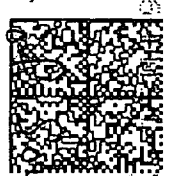
Broad River Lee. Inst.

4460 Broad River Road

Columbia, S.C. 29210

COLUMBIA, S.C. 290

19 APR 2016

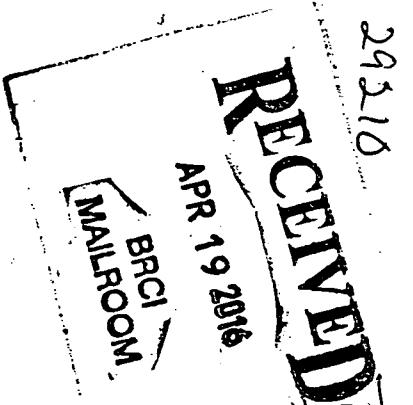


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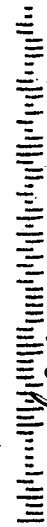
APR 28 2016

MAIL ROOM



The Supreme Court  
The Honorable Daniel E. Shearouse,  
Clerk of Court  
Post Office Box 11330  
Columbia, S.C. 29211

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Legal