

Carlos Gonzales, #217075
Kershaw Correctional Institution
4848 Goldmine Highway / SA-33
Kershaw, South Carolina 29067

September 17, 2012

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S.C. SUPREME COURT



HONORABLE, JEAN H. TOAL,
SUPREME COURT - **CHIEF JUSTICE**
S.C. SUPREME COURT
P.O. Box 11330
Columbia, South Carolina 29211

RE: YOUR ORDER DATED, September 11, 2012; In the matter of, Case No. 2012-212607

Dear HONORABLE CHIEF JUSTICE J. TOAL:

I am in receipt of your ORDER in the matter referenced above. Thank You. However, I have a couple of concerns that I trust you'll be gracious enough by assisting me in answering;

I notice in the "order" you drafted, the order articulates that, "the State has filed a Return to the petition."

Respecting the fact that the "State" chose to respond in your Court (only) to my pro se petition. This particular act aroused my suspicion concerning "why" the State only chose to advance a copy of their "return" to your court?

Be advised, that I never received a copy of this, "Return" as indicated in the order referenced above(?) Which brings me to ask this question: "Doesn't Rule 240(e), SCACR requires that any party that's opposing a motion must serve on all part(ies) a copy of his Return? (as well as with the Court)"

ALSO, I notice at the bottom of the order that a "courtesy copy" was being forwarded to a "Megan Elizabeth Harrigan." WHO is this person, and what authority does this individual have on this case? [BECAUSE, I never heard of her; And, I've never received anything from "her" that's referencing her involvement or association with my case].

I'm aware that you're very busy with matters that are much more important than what I've indicated herein, but if you find the time, I'd appreciate it if you can shed some light on this most interesting subject matter.

Thank you for all your time and assistance; And, I look forward to hearing from your office soon in writing. **AND ALSO, IF IT'S NOT ASKING TOO MUCH COULD YOU PLEASE FORWARD TO ME BY U.S. MAIL, A COPY OF THE "STATE'S" RETURN THAT YOU REFERRED TO AND ARTICULATED IN THE ORDER REFERENCED ABOVE.**

Respectfully,

Carlos Gonzales,
Petitioner, pro se.

cc: File.

CARLOS GONZALES 217075

The Supreme Court of South Carolina

Carlos Gonzales, Petitioner,


v.

State of South Carolina, Respondent.

Appellate Case No. 2012-212607

ORDER

By order dated August 8, 2012, this matter was dismissed based upon petitioner's failure to show, pursuant to Rule 243(c), SCACR, an arguable basis for asserting the determination of the lower court was improper. Petitioner has filed a petition for rehearing. The State has filed a return to the petition. We grant the petition for rehearing and reinstate the appeal. However, because a Rule 59(e), SCRCR, motion is pending before the lower court, we dismiss the matter without prejudice pursuant to *Otten v. Otten*, 287 S.C. 166, 337 S.E.2d 207 (1985) and remand to the lower court for a ruling on the pending motion. The remittitur will be sent as provided by Rule 221(b), SCACR.


C.J.
FOR THE COURT

Columbia, South Carolina

September 11, 2012

cc:

Megan Elizabeth Harrigan

Carlos Gonzales, 217075

James C. Campbell

The Honorable Howard P. King