

**THE FINNEY LAW FIRM, INC.**

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JERRY LEO FINNEY

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RETIRED CHIEF JUSTICE  
SOUTH CAROLINA SUPREME COURT  
ERNEST A. FINNEY, JR.  
OF COUNSEL

October 12, 2012

The Honorable Daniel E. Shearouse  
Clerk of the South Carolina  
Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

RECEIVED

OCT 15 2012

S.C. Supreme Court

Re: Jonathan A. Davis v. State of South Carolina  
Case Number: 2010-CP-40-8361

Dear Clerk:

Please be advised that in May 2012, I took over the appointment given to Attorney John Grantland to represent Jonathan Davis on his application for post-conviction relief in Richland County. This application was denied and dismissed by the Honorable Ernest Kinard by written order on September 19, 2012. I received this order in my office on September 27, 2012. The reasons for denial and dismissal were based on the untimeliness of Mr. Davis' application as well as his failure to establish any constitutional violations or deprivations that would require the court to grant his application. On October 5, 2012, I was informed by Jonathan Davis through written correspondence of his desire to appeal the denial and dismissal of his application. I have filed and served a Notice of Appeal in this matter in order to preserve Mr. Davis' right to appeal but as an officer of the Court, I am unable to set forth any arguable basis for asserting the denial and dismissal of Mr. Davis' application for post-conviction relief by The Honorable Ernest Kinard was improper. Therefore I am unable to provide to this court any explanation as to why Judge Kinard's determination was improper as required by South Carolina Appellate Rule 243(c).

Enclosed please find a copy of the correspondence sent to Mr. Davis in which I inform him of my position on this matter as well as notify him that pursuant to Dennison v. State, he must notify the Court no later than twenty (20) days from the date of the letter of any arguable basis he may wish to assert that Judge Kinard's denial and dismissal of his application for post-conviction relief was improper.

Please note that I have copied the Respondents as well as Mr. Jonathan Davis on this correspondence.

If you should have any questions or concerns, please do not hesitate to contact me.

SATELLITE OFFICE

110 South Sumter Street • Sumter, South Carolina 29150  
Telephone (803) 773-1415 • Facsimile (803) 775-3478

With kind regards, I am

Sincerely,

Jerry L. Finney  
Attorney at Law  
JLF:skf

cc: Robert Corney, Assistant Attorney General  
Jonathan Davis

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October 12, 2012

Mr. Jonathan A. Davis, #336703  
Allendale Correctional Institution  
1057 Revolutionary Trail  
Fairfax, South Carolina 29827

Re: Jonathan A. Davis v. State of South Carolina  
Case Number: 2010-CP-40-8361

Dear Mr. Davis:

Please be advised that I have received your correspondence dated October 5, 2012 in which you request that I file a Notice of Appeal regarding the denial and dismissal of your application for post-conviction relief. Please be advised that I have filed and served said Notice of Appeal but as an officer of the Court, I am unable to set forth any arguable basis for asserting the denial and dismissal of your application for post-conviction relief by The Honorable Ernest Kinard was improper. Therefore I am unable to provide to the Supreme Court any explanation as to why Judge Kinard's determination was improper as required by South Carolina Appellate Rule 243(c). Pursuant to Dennison v. State, you must notify the Supreme Court no later than twenty (20) days from the date of the letter of any arguable basis you may wish to assert that Judge Kinard's denial and dismissal of your application for post-conviction relief was improper.

I have enclosed a copy of the correspondence that I sent to The Supreme Court as well as a copy of the Notice of Appeal and my Motion to be Relieved in your case.

If you should have any questions or concerns, please do not hesitate to contact me.

With kind regards, I am

Sincerely,

Jerry L. Finney  
Attorney at Law  
JLF:srf

A handwritten signature in black ink, appearing to read "Jerry L. Finney".

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