

Mr. Alan L. Burns , # 143218  
Lee Corr. Inst. , F-5 , D-139  
990 Wisacky Highway  
Bishopville , SC 29010 - 1775

*Court  
Copy*

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

**RECEIVED**

JUNE 22 , 2016

JUN 29 2016

**RE : The State vs Alan L. Burns , Appellant**  
APPELLATE CASE NO. : 2012 - 212760

**S.C. SUPREME COURT**

Notice Of Intent To Petition For A Writ Of Certiorari

Dear Mr. Shearouse :

Enclosed for filing is a notice of appeal/notice of intent to petition for a writ of certiorari in the above case . Also enclosed are the following :

- (1) Certificate of Service of the notice on the State .
- (2) Certificate of Service of the notice on the Court of Appeals .
- (3) A copy of the order which is to be challenged .
- (4) A copy of the letter Ms. Susan B. Hackett , Appellate Defender , advising that the Division Of Appellate Defense is officially closing their case file and relieving themselves as my representative .
- (5) Motion Leave To File Petition Within Thirty (30) Days Of This Filing .

Respectfully ,



ALB/alb

Enclosures

cc: Court of Appeals Clerk  
SC Attorney General's Office

PLEASE CLOCK AND RETURN THE ADDITIONAL COPY . . . . .

IN THE STATE OF SOUTH CAROLINA  
In The Supreme Court

Court  
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APPEAL FROM CHARLESTON COUNTY  
Court Of General Sessions  
R.Markley Dennis, Jr. , Judge  
Indictment No.: 2011-GS-10-3387 , et al

APPELLATE CASE NO. : 2012-212760

The State of South Carolina . . . . . Respondent

vs .

Alan L. Burns . . . . . Appellate

NOTICE OF INTENT TO PETITION  
FOR A WRIT OF CERTIORARO

Alan L. Burns appeals the decision of the Court of Appeals  
Affirming his conviction and sentence .

This appeal is taken from the order of the Court of Appeals  
[ Unpublished Opinion No. : 2016 - UP - 287 ] submitted March  
01 , 2016 - filed June 15 , 2016 .

Appellant received written notice of this order on **JUNE  
22 , 2016** , copy of same herewith .

JUNE 22 , 2016

S/ 

Alan L. Burns , # 143218  
Lee Corr.Inst. , F-5 , D-139  
990 Wisacky Highway  
Bishopville , SC 29010 - 1775

Court  
copy

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

The State, Respondent,

v.

Alan Lee Burns, Appellant.

Appellate Case No. 2012-212760

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Appeal From Charleston County  
R. Markley Dennis, Jr., Circuit Court Judge  
Stephanie P. McDonald, Circuit Court Judge

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Unpublished Opinion No. 2016-UP-287  
Submitted March 1, 2016 – Filed June 15, 2016

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**AFFIRMED**

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Appellate Defender Susan Barber Hackett, of Columbia,  
for Appellant.

Attorney General Alan McCrory Wilson and Senior  
Assistant Deputy Attorney General Deborah R.J. Shupe,  
both of Columbia; and Solicitor Scarlett Anne Wilson, of  
Charleston, for Respondent.

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**PER CURIAM:** Affirmed pursuant to Rule 220(b), SCACR, and the following  
authorities: *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693-94 (2003)

Court  
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("In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial judge. Issues not raised and ruled upon in the trial court will not be considered on appeal."); *Malloy v. Thompson*, 409 S.C. 557, 561, 762 S.E.2d 690, 692 (2014) ("The issue must be sufficiently clear to bring into focus the precise nature of the alleged error so that it can be reasonably understood by the judge.").

**AFFIRMED.**<sup>1</sup>

**HUFF, SHORT, and THOMAS, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Court  
copy

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

June 16, 2016

Alan L. Burns, #143218  
Lee Correctional Institution  
990 Wisacky Hwy.  
Bishopville, SC 29010

Re: Your case

Dear Mr. Burns:

Enclosed is a copy of the opinion of the Court of Appeals affirming your conviction. Please be advised that our office will be closing your case along with this letter.

Please be aware that there is a **one year statute of limitations for filing an application for post-conviction (PCR) relief**. This is one year from the date of the enclosed opinion. This statute of limitations is **very strictly enforced**, so please be sure that you comply with it. Please understand *it is your responsibility alone to be sure this PCR application is timely filed*. **This application must be filed with the clerk of court in the county of your conviction**. There is also now a **one year statute of limitations for filing for federal habeas**. However, you must **exhaust your PCR claims** in state court, before raising them in federal court.

Please be aware that the time between your direct appeal becoming final, and the date your PCR application is filed **will count against your federal habeas statute of limitations in the future**. I do wish you the best. Feel free to contact me if you have any questions.

Sincerely,

Susan B. Hackett  
Appellate Defender

SBH/smf

Enclosure: Post-Conviction Relief Application

IN THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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Court  
Copy

Appeal From Charleston County  
Court Of General Sessions  
R.Markley Dennis, Jr., Judge  
Indictment No.: 2011-GS-10-3387 , et al

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APPELLATE CASE NO. : 2012 - 212760

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The State

Respondent

vs .

Alan L. Burns

Appellant .

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CERTIFICATE OF SERVICE

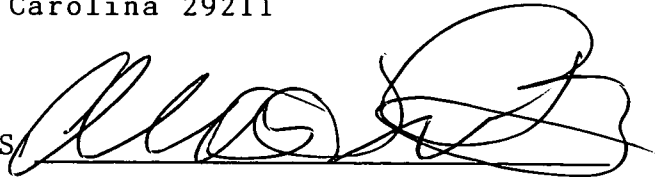
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Appellant hereby certifies that a true and original copy of the 'Notice Of Intent To Petition For A Writ Of Certiorari' was served on the SC Court Of Appeals by depositing same in the United States mail , addressed as follows :

Hon. Jenny Abbott Kitchings  
Clerk, South Carolina Court Of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

This 22nd day of June 2016 .

I SO CERTIFY :

S. 

Alan L. Burns, # 143218  
Lee Corr.Inst., F-5 , D-139  
990 Wisacky Highway  
Bishopville, SC 29010 - 1775

IN THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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Appeal From Charleston County  
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JUN 29 2016

APPELLATE CASE NO. : 2012-212760

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SC SUPREME COURT

The State

Respondent

vs .

Alan L. Burns

Appellate .

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CERTIFICATE OF SERVICE

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Appellate hereby certifies that a true copy of the 'Notice Of Intent To Petition For A Writ Of Certiorari' was served on the following :

Office Of The Attorney General  
For The State Of South Carolina  
Post Office Box 11549  
Columbia , SC 29211 - 1549

This 22nd day of June 2016 .

I SO CERTIFY :

S/



Alan L. Burns , # 143218  
Lee Corr.Inst. , F-5 , D-139  
990 Wisacky Highway  
Bishopville , SC 29010-1775

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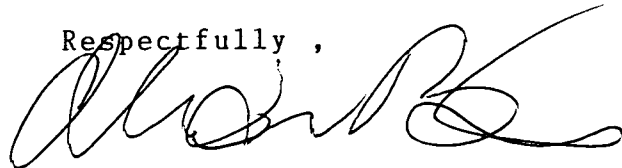
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Respectfully ,



ALB/alb

Enclosures

cc: Clerk , South Carolina Supreme Court  
SC Attorney General's Office

Mr. Alan L. Burns , # 143218  
Lee Corr. Inst. , F-5 , D-139  
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Bishopville , SC 29010 - 1775

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

**INTER-DEPARTMENTAL  
MAIL**

**LEGAL MAIL ONLY**

RECEIVED

JUN 24 2016

LEE CI MAIL ROOM

THE DEPARTMENT OF CORRECTIONS HAS NOT CENSORED  
THIS ITEM. THEREFORE, THE DEPARTMENT DOES NOT  
ASSUME RESPONSIBILITY FOR ITS WRITTEN CONTENTS  
LEE CORRECTIONAL INSTITUTE  
SC DEPARTMENT OF CORRECTIONS