



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

October 11, 2016

Division of Appellate Defense
PO Box 11589
Columbia SC 29211

Re: Kevin C. Casey v. State
Appellate Case No. 2016-001686
Lower Court Case No. 2012CP4204389

Dear Division of Appellate Defense:

Your office is representing Mr. Casey in this case. Enclosed is a motion dated September 24, 2016, which Mr. Casey has sent to this Court. This motion appears to be addressed to the circuit court.

In the notice of appeal, Mr. Casey indicated that he received the order on appeal on July 28, 2016. Therefore, it appears that the current motion, along with an earlier motion filed with the circuit court on August 15, 2016, are not timely post-trial motions under either Rule 52 or 59 of the South Carolina Rules of Civil Procedure.¹ Therefore, I will not dismiss this appeal without prejudice under *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986). If your office disagrees, it will be necessary for your office to make a motion seeking to dismiss this appeal

¹ I have enclosed a copy of the August 15th motion which was obtained from the public case index for Spartanburg County. The certificate of service for this motion indicates it was not mailed to the circuit court clerk and the opposing counsel until August 9, 2016. Based on the date of receipt of the order on appeal contained in the notice of appeal (July 28, 2016), the time to file any post-trial motion with the circuit court would have expired on August 8, 2016.

without prejudice under *Hudson*.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

Enclosures

cc: Alicia A. Olive, Esquire
Mr. Kevin Charles Casey, #349715