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November 8, 2016

The Honorable Daniel E. Shearhouse
Clerk, Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

RECEIVED

NOV 08 2016

RE: Samuel Brown v. State of South Carolina, Appellate Case No.: 2016-002157

S.C. SUPREME COURT

Dear Mr. Shearhouse:

After reviewing my file, communication between myself and the outgoing Assistant Attorney General, J. Rutledge Johnson, and the new Assistant Attorney General for Ninth Circuit Post Conviction Relief (PCR) cases, Alicia Olive, it is clear that a formal order was intended to follow the Form 4 in this case. I am working actively with Miss Olive to obtain a final, written, signed order from Chief Justice Toal. I have reviewed and offered edits on a proposed order. I expect a final order from the Chief Justice soon.

The Form 4 was created after a hearing on the sole issue of the State's Motion for Summary Judgment. However, a formal order to follow was intended. Assistant Attorney General Johnson did send a proposed order to me. I do not have a record of responding to him. Subsequently, he left the Attorney General's Office and Miss Olive assumed his caseload. She contacted me, following your letter, on November 5, 2016, asking for my input on the proposed order. This confluence of events caused the delay in getting the formal order completed and filed. I regret the confusion.

If my appeal was filed prematurely, I would ask that the current appeal be dismissed without prejudice and allow an appeal following the filing of a formal order dismissing Mr. Brown's PCR. If you need anything further from me, please contact me.

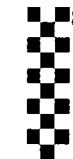
Sincerely,

Rodney D. Davis

South Carolina Bar #: 12396

CC: Alicia Olive
Assistant Attorney General

Kimberly McCall
Appellate Division, SCCID



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To: Daniel Shearhouse

From: Rodney Davis

Fax: 803-734-1499

Pages: 2

Re: Brown v. State 2016-002157

Date: November 08, 2016

Original sent via U.S. Mail

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