

# The Supreme Court of South Carolina

Frederick L. Howell, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-212887

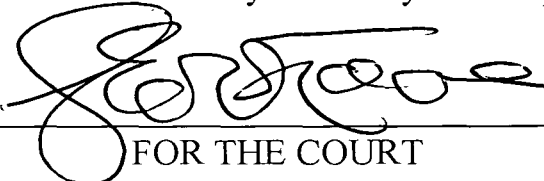
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## ORDER

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In this post-conviction relief case, petitioner has filed a notice of appeal and an explanation under Rule 243(c) of the South Carolina Appellate Court Rules (SCACR). Petitioner has now filed a motion to compel discovery and alleges that he cannot properly perfect this matter without the evidence he seeks through discovery. Additionally, he indicates that he cannot perfect this matter without a transcript and that he is indigent.

Since this Court cannot consider any evidence that was not presented to the PCR judge, the motion to compel discovery is denied. As to the transcript, this Court has not determined if the Rule 243(c) explanation is sufficient and, until that determination is made, it premature to determine any issue regarding the ordering of any transcript. Of course, if it is ultimately determined that the explanation is sufficient and the Division of Appellate Defense determines that petitioner is indigent, that office will assume representation and any necessary transcripts will be ordered by that office.

  
C.J.  
FOR THE COURT

Columbia, South Carolina  
November 15, 2012

cc: Megan Elizabeth Harrigan, Esquire  
Frederick L. Howell, 310890  
Division of Appellate Defense