



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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July 20, 2017

RECEIVED

JUL 20 2017

S.C. SUPREME COURT

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

Re: Toby Eugene Moore v. The State -- motions -- Appellate Case No. 2017-001360

Dear Mr. Shearouse:

In response to the Court's letter of July 10, 2017, we contacted the office of PCR Counsel Leah Moody, and obtained copies of the pro se motions filed with the Spartanburg County Court. The notice of intent to appeal was filed with this Court on June 20, 2017 by PCR counsel Moody. The motion to reconsider pursuant to Rule 59 (e), SCRPC, was filed in the Spartanburg County Court of Common Pleas on June 27, 2017. Apparently it was "served" on the trial judge on June 23, 2017. The Rule 59 (e), SCRPC motion was filed after the notice of intent to appeal was served and filed. Therefore, the post hearing Rule 59 (e), SCRPC motion was unfortunately not timely filed, and jurisdiction remains with this Court. If the Court would like copies of these filed documents please do not hesitate to contact me. In addition, please let me know if you have any other questions or concerns.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD/mpm

cc: Valerie G. Giovanoli, Esquire
Mr. Toby Moore