

EDDIE DEAN DOGAN, JR. #256596
TY RD I - UNIT 3-B-126
200 PRISON ROAD
ENDREE, S.C. 29335

AUGUST 24th, 2017

THE HONORABLE JENNY A. KITCHINGS
CLERK, SOUTH CAROLINA COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA, 29211

RECEIVED

AUG 28 2017

SC Court of Appeals

RE: EDDIE DEAN DOGAN, JR. v. STATE OF SOUTH CAROLINA
APPELLATE CASE NO: 2017-001164

DEAR MS. KITCHINGS:

THE BRIEF LINE RULE

PLEASE ACCEPT THIS LETTER MOTION, WHICH STATES: (1) PROOF OF SERVICE, OF N.O.A NOTICE OF APPEAL, (2) NOTARIZED PERSONNEL OF SCDC MAIL-ROOM, (3) DATE OF DELIVERY AND DATE OF REPLY, PURSUANT TO PS-ID.DSC 8.3.7 LOG ROSTER OF IN-COMING AND OUT-GOING LEGAL-MAIL, and (4) STAMP CLOCK COPY PROVIDED BY SPARTANBURG CLERK OF COURT WITH TIME AND DATE OF FILED DOCUMENT(S), and (5) THE LETTER OF J. BENJAMIN APLIN Deputy Attorney General #8729 IS TO BE CHALLENGED.

S.C.A.C.R. 203

(D)(2) STATE CLEARLY: WHEN AND WHAT TO FILE, THE NOTICE OF APPEAL SHALL BE FILED WITH THE CLERK OF THE LOWER AND THE CLERK OF THE APPELLATE COURT WITHIN TEN (10) DAYS, AFTER THE NOTICE OF APPEAL IS SERVED, THE NOTICE FILED WITH THE APPELLATE COURT SHALL BE ACCOMPANIED BY THE FILING

(A) PROOF OF SERVICE SHOWING THAT THE NOTICE HAS BEEN SERVED ON THE RESPONDENTS.

(B) A COPY OF THE ORDER WHICH ARE TO BE CHALLENGED ON APPEAL IF THEY HAVE BEEN REDUCED TO WRITING...

APPELLANT STATES: NO WHERE IN THE RULE IT SAYS FILE YOUR NOTICE TO THE ATTORNEY GENERAL, BUT IF YOU TAKE NOTICE OF DEPUTY CLERK FOR SPTRBG, Co. Ct. House Ms. A. MILLER SHE STATES THAT IT IS THE CLERK'S DUTY TO SERVE THE SOLICITOR AND THE ATTORNEY GENERAL, WHICH IS THE "STATE" SEE DOCUMENT DATED DECEMBER 14, 2016.

THE BRITZ RULE / APPEALS

2017-001164

DOGAN CLAIM(S) THAT THE BRITZ LINE RULE WAS CREATED FOR THE PROVIDENTIAL ACT TO HAVE THE OPPORTUNITY TO BE ALLOWED THE RIGHT THAT HAS BEEN GUARANTEE FOR ALL, THE FIRST AMENDMENT OF THE CONSTITUTION "REDRESS" PROVIDED BY GUARANTOR, WHICH BECAME A CONDUIT BY WAY OF §24-1-110-220, A GOVERNMENTAL AGENCY (SCDC), WHERE IN WOLFF v. McDONNELL, 418 U.S. - 539, 557-58 (1974). IT CLEARLY STATE THAT THERES NO IRON CURTAIN BETWEEN AN "INMATE INSIDE A PRISON" AND AN FREE INDIVIDUAL, TO THE COURTS OR TRIBUNAL PURSUANT TO §17-19-20, CHALLENGING HIS OR HER CONVICTION/or, SENTENCE WHICH IS AN APPEAL "REDRESS" UNDER THE PROVISIONS ENUMERATED IN SCACR RULE 203 (d)(2)(i)(ii), § SCRCIV.PROC., 4(9), PROOF-OF SERVICE, THAT IS INCORPORATED WITH PS-10.08.083, WHICH IS AN AVENUE TO SERVE THE COURT(S) ITS ACTION BASED ON HIS APPEAL,, THEREFORE, WHEN THE INMATE FILE'S A [BRIEF, AFFIDAVIT, MOTION THAT HAS BEEN REDUCED TO WRITING], IS NOTARIZED AND SIGNED BY SCDC, MAIL-ROOM, OFFICIAL(S) AND DATED AND LEFT IN THERE HAND(S) TO BE SENT-OUT TO MEET TIME LIMITATIONS OR DEAD-LINES, IT IS CONSIDERED FILED ON TIME,, ALSO SEE, OPINION OF CHIEF JUSTICE BEATTY, DATED AUGUST 16, 2017,, IN RENWICK D. MOSE v. STATE of SOUTH CAROLINA, 2017 WL3496440... - S.E.2d - - ,

DOCUMENTATION [SEAL/RESULT(S)]

DOGAN CLAIM DOCUMENTS SPEAK FOR THEMSELVES WHICH WAS CREATED BY STATE, ON FORM YOU SHALL FIND (1) DATE (2) YEAR (3) SIGNATURE (4) WHAT CAPACITY OR DEPARTMENT OF SOURCE (5) CLOCK-STAMP /SEAL ,, (6) EXPIRATION DATE OF OBLIGATION. ,,

THERE SEEMS TO BE AN DISPUTE CONCERNING THE FILINGS OF THE MAY 11, - 2017. NOTICE OF APPEAL

THE STATE MADE THE ALLEGATION THAT THEY NEVER RECEIVED A COPY OF THE MAY 11, 2017 THAT WAS SENT TO (1) J. MARK HAYES II, AT 180 MAGNOLIA STREET POST OFFICE BOX 3483, SPARTANBURG, S.C. 29304, AND (2) SAME COPY TO THE S.C. COURT OF APPEALS AT POST OFFICE BOX 11629, COLUMBIA, S.C. 29211. SEE FILED DOCUMENT OF NOTARY APPELLATES COPY DATED MAY 11, 2017 AS WELL AS OTHER RELATED DOCUMENTS WITH PROOF OF SERVICE DOCUMENT STAMP-FILE COPY OF PROOF OF SERVICE FROM B. HUNTER, SIGNATURE OF GENERAL SESSION CLERK DATED MAY 18, 2017

2017-101164

LETTER RETURNED FROM M. HOPE BLACKLEY CLERK OF COURT FOR SPTBG, COURT-
HOUSE 180 MAGNOLIA STREET P.O. BOX 3483, SPTBG, S.C. 29304-3483
RECEIVED AT TYRCI-MAIL ROOM MAY 09, 2017, PURSUANT TO SCR CIV. PROC.
4(9).

SCDC. LEGAL/PRIVILEGED/CERTIFIED MAIL DELIVERY LOG

DATE: 5-8-17 / DELIVERED TO INMATE 5-9-17, INSPECTED BY P.C. PS-10.08(8,3)
INSIDE WAS THE HONORABLE J. MARK HAYES II ORDER OF DISMISSAL
DATED APRIL 24, 2017, WHICH WAS APPEALED AND MAILED OUT ON
MAY 11, 2017 TO BE SUBMITTED TO THE COURTS PURSUANT TO THE TEN
(10) DAY RULE 203(d)(2)(i)(ii), SCACR, TO BE SUFFICIENT FOR
APPEAL.

I APPELLANT DOGAN, HAS BEEN THE RECORD KEEPER OF FILING, AS THE COURTS
STATE: A PARTY HAS A DUTY TO MONITOR THE PROGRESS OF HIS CASE.
BASED ON THE MAIL-BOX-RULE, DEFINED IN HOUSTON V. LACK, 108 S.C. 2379,
A PRO SE PRISONERS CONTROL OVER THE PROCESSING OF HIS
NOTICE OF APPEAL NECESSARILY CEASES AS SOON AS HE HANDS IT
OVER TO THE ONLY PUBLIC OFFICIALS TO WHOM HE HAS ACCESS THE
PRISON AUTHORITIES

DOGAN, FURTHER STATE THAT IT SEEM AS THOUGH THE STATE HAS SHIFTED
THE BURDEN TO APPELLANT TO PROVE TO THE APPEALS COURT THAT HE
SERVED THE STATE WITH THE MAY 11, 2017 NOTICE OF APPEAL, NOW;
SEE DOGAN APPELLANT PROOF. BANNISTER V. STATE, 509 S.E.2d 807,
(S.C. 1998).

CONCLUSION

IT IS MY PRAYER THAT THE APPEALS COURT AGREE WITH ME AND
ALLOW MY APPEAL TO STAND AS BEING FILED, I'VE SENT MY COPY
WHICH IS THE SAME THAT I PROVIDED TO THE LOWER COURT AND THE
S.C. APPEALS COURT ON MAY 11, 2017, WITH OTHER DOCUMENTATION TO
SUPPORT MY CLAIM, THEREFORE, IT CANT BE SAID THAT MY CLAIM IS
WITHOUT. I DID APPEAL IN TIME AND I DO DESERVE THIS RIGHT.

Pro se:

/s/ Eddie D. Dogan, Jr.
Eddie D. Dogan, Jr. 256596
TYRCI-Unit 3-B-12644
200 PRISON ROAD
ENOREE, S.C. 29335

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Exhibit B
2017-001164

APPEAL FROM SPARTANBURG COUNTY
COURT OF COMMON PLEAS
HONORABLE J. MARK HAYES, Circuit Court Judge

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2017 MAY 18 PM 3:03
M. HOPE BLACKLEY

FORENSIC DNA TESTING PCR CASE No. 1998-GS-42-3569, 7015180
A/W# F-654895, F-654896, F-654899;

EDDIE DEAN DOGAN, JR. APPELLANT

- VS -

STATE OF SOUTH CAROLINA, Respondent

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT EDDIE DEAN DOGAN, JR. APPEAL THE ORDER OF THE HONORABLE J. MARK HAYES II, DATED APRIL 24, 2017, DENYING DOGAN, FORENSIC DNA TESTING APPLICATION RELIEF. APPELLANT RECEIVED WRITTEN NOTICE, SIGN BY JUDGE ON, MAY 9TH 2017, AT TYRCI, MAIL-ROOM LOWER YARD. RESPOND TO ORDER MAY 11, 2017.

Eddie Dean Dogan Jr 256596
EDDIE DEAN DOGAN, JR. 256596
TYRCI, UNIT-3-126-B-277
300 PRISON ROAD
ENDRETT, SOUTH CAROLINA, 29335

MAY 11TH, 2017

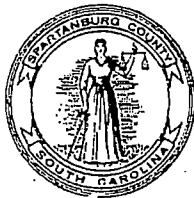
OTHER Counsel of Record:

- (1) - J. MARK HAYES II, Circuit Court Judge
180, MAGNOLIA ST, 2ND Floor - sect-5
SPARTANBURG, SC. 29306;
- (2) - CLERK OF APPEALS COURT
P.O. Box 11629
COLUMBIA, S.C. 29211

Spartanburg County

Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483

Phone (864) 596-2591
Fax (864) 596-2259



M. Hope Blackley
Clerk of Court

Cail Moffitt
Assistant Clerk of Court

Date: May 18, 2017

Name: Eddie Dean Degan

We have received your letter on May 18, 2017. The applicable response is checked below.

- I suggest you contact the Probation Office @180 Library Street, Spartanburg, SC 29306.
- I suggest you contact the Solicitor's Office @ 180 Magnolia Street, Spartanburg, SC 29306.
- I suggest you contact the Public Defender's Office @ 366 N. Church St., Spartanburg, SC 29306.
- I suggest you contact the Spartanburg County Jail @ 950 California Ave, Spartanburg, SC 29303.
- A copy of your letter has been forwarded to the Public Defender's Office.
- A copy of your letter has been forwarded to the Solicitor's Office.
- I suggest you contact your attorney.
- Please provide us with the original document.
- The reference case is not a General Sessions case.
- Grand Jury proceedings are held in private.
- Please provide us with a warrant or indictment number.
- Due to the large volume of requests, this office no longer conducts criminal records research.
- Case History print-out enclosed.
- A court date has not been scheduled for your case(s).
- A Plea/Trial date has been scheduled for _____ (This date is subject to change)
- All copies are \$1.00 per page that must be paid in advance. Please submit a cashier's check or money order in the amount of \$ _____.
- Other: Copy of Filed Notice of Appeal and Proof Service

If we can be of further assistance to you please let us know.

R. Hunter
General Sessions Clerk



ALAN WILSON
ATTORNEY GENERAL

August 11, 2017

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Eddie Dean Dogan, Jr., v. The State of South Carolina
Appellate Case No: 2017-001164

Dear Ms. Kitchings:

Please accept this letter in lieu of a formal return to Appellant's petition to rehear the dismissal of his appeal. If a formal return is required, please let me know.

Appellant's application for DNA testing was denied by way of an April 24, 2017, Order of the Honorable J. Mark Hayes, II. Appellant's attempt to appeal that denial was dismissed by this Court in an Order issued June 7, 2017, due to Appellant's failure to timely serve the notice of appeal on the State. Appellant has now filed a petition to rehear the dismissal of his appeal claiming he "filed his notice of appeal on the State" on May 11, 2017. In a letter dated August 1, 2017, this Court has asked the State to submit a return to the petition indicating whether the State was served with the notice of appeal.

The Attorney General's Office was not served with a copy of Appellant's May 11, 2017, notice of appeal. Assistant Solicitor Balsa is fairly confident the Seventh Circuit Solicitor's Office also was not served but has requested his file from archives in an effort to confirm.

Sincerely,

J. Benjamin Aplin
Senior Assistant Deputy Attorney General
S.C. Bar No: 8729

cc: Robert M. Dudek, Esquire
Derrick B. Balsa, Esquire
The Honorable M. Hope Blackley
Eddie Dean Dogan, Jr., #256596
Victim Advocacy Division

2017-001164

Date Received:	Inmate Name and SCDC Number:
5-8-17	Edd. e Dugan 2565926

6 of 6

PS-10.08(8.3)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Division of Inmate Services

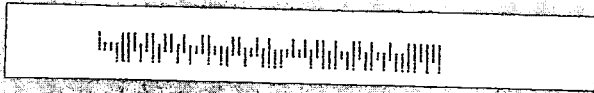
LEGAL/PRIVILEGED/CERTIFIED MAIL DELIVERY LOG

Legal Log used when mail is picked up from mail room.
Jc. Rhodes 5-25-17

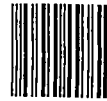
Sender's Name and Address:	Date Mail/Order to Report Delivered to Inmate:	Inspected and Delivered By:	Inmate Recipient's Signature	Comments
M. Hope Blackley, Clerk 1320 Magnolia St PO Box 3480 Columbia, SC 29204	5-9-17	JC	x E. L. Dugan	

Exhibit A
2017-001164

Mr. Eddie D. Dogan Jr. #256596
T.R.C.I. Unit 3-B-126 L/y
200 Prison Rd.
Enoree, S.C. 29335



1000



29211

U.S. POSTAGE
PAID
ARCADIA, SC
29320
AUG 24, 17
AMOUNT

\$1.19

R2305K136678-04

RECEIVED

AUG 28 2017

SC Court of Appeals

ATTN:

Ms. Jenny A. Kitchings^s
S.C. Court of Appeals
11629 ← P.O. Box
Columbia, S.C. 29211