



The Supreme Court of South Carolina

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October 23, 2017

Mr. Jose Alberto Maldonado, 00312648
Kershaw Correctional Inst. MB/Room, #63
4848 Goldmine Highway
Kershaw SC 29067

Re: Jose A. Maldonado v. The State
Appellate Case No. 2017-002092
Lower Court Case No. 2015CP2304757¹

Dear Mr. Maldonado:

The South Carolina Court of Appeals has transferred your notice of appeal to this Court. This case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any

¹ In your notice of appeal, you indicate that the lower court case number is 2015CP2304747. The number is actually 2015CP230757.

I note further that the Court of Appeals appears to have erroneously listed the lower court case number as 2008CP2302140 in the order transferring the notice of appeal to this Court.

filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Since the order of the circuit court determined that this action is barred as being successive and/or as being untimely under the statute of limitations, Rule 243(c) of the South Carolina Appellate Court Rules requires you to provide a written explanation as to why this determination was improper.² This explanation must contain sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper. The failure to make a sufficient showing may result in the dismissal of this matter.

I ask that you please provide the explanation required by Rule 243(c), SCACR, within twenty (20) days of the date of this letter.

You have filed a motion to hold this case in abeyance. This motion is based on your desire to have a ruling made on various documents dated September 15, 2017, that you filed with the circuit court. This Court has obtained a copy of a letter the circuit court judge sent to you dated October 6, 2017 (copy enclosed). In this letter, the judge indicates that your September 15, 2017, documents cannot be accepted for filing and will not be considered by the circuit court. In light of this, it appears that there is no reason for this Court to consider your motion to hold this

² You did not provide a complete copy of the conditional order of dismissal dated March 10, 2017, with your notice of appeal. This Court has obtained a copy of this order from the clerk of the circuit court.

case in abeyance since the circuit court has indicated that it will issue no further ruling in this case.

Finally, as to your correspondence dated October 17, 2017, please be advised that Rule 244, SCACR, has no applicability to this case.³ Instead, this appellate proceeding will proceed in the manner provided by Rule 243, SCACR. As to your question about the appointment of counsel, if this Court determines that you have provided an adequate explanation under Rule 243(c), SCACR, to allow this case to proceed, you will need to submit an affidavit of indigency to the Division of Appellate Defense of the South Carolina Office of Indigent Defense so that it can make a determination as to whether it will provide counsel in this case.

Very Truly Yours,

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

CLERK

Enclosure (Letter dated October 6, 2017)

cc: Megan Harrigan Jameson, Esquire

³ Rule 244 relates to questions of law certified to this Court by federal courts or appellate courts in other states.