



The Supreme Court of South Carolina

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CLERK OF COURT

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December 05, 2017

Mr. Sha'Nasia Unique Garland, 366371
Camille Graham Correctional Inst.
4450 Broad River Road
Columbia SC 29210

Re: Sha'Nasia U. Garland v. State
Appellate Case No. 2017-002477
Lower Court Case No. 2016CP2103066

Dear Ms. Garland:

This Court has received your notice of appeal, and the 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 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.

For this matter to proceed, it will be necessary for you to provide this Court with the following within twenty (20) days of the date of this letter:

- (1) A motion to allow the late filing of the notice of appeal with this Court. This is necessary since the notice of appeal was not filed with this Court within the time provided by Rules 243(d) and 203(d)(1)(B), SCACR. This motion will need to comply with the requirements of Rule 240, SCACR;
- (2) Since the circuit court determined that this post-conviction action is barred by the statute of limitations, you will need to provide the written explanation required by Rule 243(c), SCACR. 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.

Finally, with the notice of appeal, you have provided a copy of a Rule 59 motion that you apparently prepared simultaneously with the notice of appeal. In light of this, I ask that you please advise this Court, within twenty (20) days of the date of this letter, if the notice of appeal should be dismissed without prejudice.¹ See *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986) ("in the event timely post-trial motions are filed under Rule 59, simultaneously with or subsequent to the filing of a Notice of Appeal, the appellant shall notify the Clerk of this Court in writing. Upon receipt of such notice, the appeal shall be dismissed without prejudice. Any party can appeal within ten (10) days after the order disposing of the post-trial motions.").

Very truly yours,



CLERK

cc: Lindsey Ann McCallister, Esquire

¹ The public case index for Florence County does not reflect that a Rule 59 motion is pending in this post-conviction relief case. I note that on the Rule 59 motion you used the lower court case number for the underlying criminal conviction and did not include the full lower court case number for this post-conviction relief case. You may want to contact the Florence County clerk of court to confirm that the Rule 59 motion is pending before responding to this letter.