



SOUTH CAROLINA
ACTUAL INNOCENCE
JUSTICE CENTER

March 19, 2018

The Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201

Attention: CLERK OF COURT, Daniel E. Shearouse

Re: James R. McClurkin v. State

Lower court case no. 2017 CP 1200278; Appellate case no. 2018-000347

Dear Clerk:

To ensure clarity in this matter, please be advised that on behalf of Mr. McClurkin a notice of appeal from the Order entered by Judge Gibbons was previously filed on March 2, 2018.

The notice was filed out of an abundance of caution to ensure this matter is heard since the State argued that the Supreme Court had original jurisdiction of any petition for writ of habeas corpus; and the trial court (Judge Gibbons) agreed as evidenced by his Order. This fact was noted in the earlier filing cover letter dated March 2, 2018 (copy enclosed)

Since that time the Court has entered an order dismissing the notice of appeal.

Please be advised that we do fully intend to file with the South Carolina Supreme Court a PETITION for WRIT of HABEAS CORPUS on behalf of Mr. McClurkin in the near term. We intend this filing to comply with the requirements of Rule 245 and 240 of the applicable South Carolina Appellate Rules.

Thank you for your attention.

If you have any questions, please contact me.

Yours truly,



J. Kyle McClain

CC: Dayne Phillips
All Counsel of Record: See Certificate of Service Attached.

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MAR 21 2018

S.C. SUPREME COURT

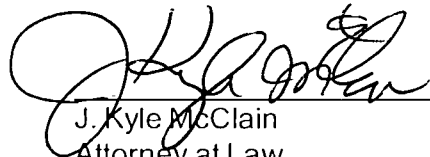
James McClurkin,) Case Number: 2017-CP-12-00278
)
) Fourth Judicial Circuit
)
)
)
v.) CERTIFICATE OF SERVICE
)
The State of South Carolina)
)
_____)

I, the undersigned attorney, with the South Carolina Actual Innocence Justice Center for the above-named Petitioner, James McClurkin, do hereby certify that on the date listed below, I have served a copy of the correspondence dated March 20, 2018 via U.S. Mail, postage prepaid, to the parties and counsel of record, at the following addresses:

Solicitor Randy Newman
Attorney at Law
Sixth Judicial Circuit
104 North Main Street
Lancaster, South Carolina 29720

Deputy Attorney General, Donald Zelenka
PO box 11549
Columbia, South Carolina 29211

Joshua Kendrick
Counsel for James Degraffenreid
506 Pettigru Street
Greenville, SC 29601



J. Kyle McClain
Attorney at Law

March 20, 2018
Lexington, South Carolina



SOUTH CAROLINA
ACTUAL INNOCENCE
JUSTICE CENTER

March 2, 2018

Supreme Court of South Carolina
Gervais Street
Columbia, S.C.

**RE: James R. McClurkin v. The State of South Carolina; Fourth Judicial Circuit
Case No. 2017-CP-12-00278:**

Notice of Appeal: Order Dismissing Petition for Writ of Habeas Corpus

Dear Clerk of the Supreme Court:

Together with the required \$100 filing fee, if required, I am enclosing a file stamped copy of the Petitioner's Notice of Appeal in this matter. The State asserts the Supreme Court has original jurisdiction of this matter so a Notice of Appeal may not be required.

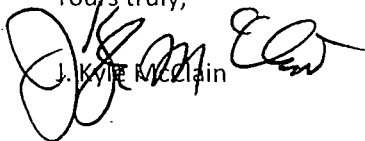
This notice is being filed in an abundance of caution in the event it is determined this court does not have original jurisdiction over this habeas matter.

A copy of the Order from Judge Gibbons which is being appealed is enclosed.

*All counsel of record are being notified of this filing and already received a copy of the notice of appeal as well when same was filed with the Chester County clerk's office.

Thank you for your attention and please call me with any questions.

Yours truly,


J. Kyle McClain



SOUTH CAROLINA
ACTUAL INNOCENCE
JUSTICE CENTER

February 27, 2018

Supreme Court of South Carolina
Gervais Street
Columbia, S.C.

RE: James R. McClurkin v. The State of South Carolina; Fourth Judicial Circuit
Case No. 2017-CP-12-00278:

Notice of Appeal: Order Dismissing Petition for Writ of Habeas Corpus

Dear Clerk of the Supreme Court:

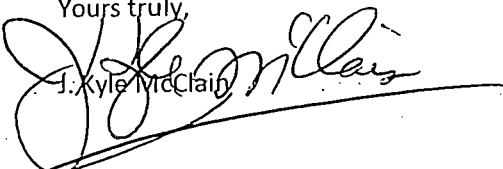
If required, I am enclosing a file stamped copy of the Petitioner's Notice of Appeal in this matter. The State asserts the Supreme Court has original jurisdiction of this matter so a Notice of Appeal may not be required.

This notice is being filed in an abundance of caution in the event it is determined this court does not have original jurisdiction over this habeas matter.

A copy of the Order from Judge Gibbons which is being appealed is enclosed.

Thank you for your attention and please call me with any questions.

Yours truly,


J. Kyle McClain