



The Supreme Court of South Carolina

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CLERK OF COURT

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April 11, 2018

Mr. Dan Temple, Jr.
P.O. Box 901
Fultondale, AL 35068

Re: Dan Temple v. The State
Appellate Case No. 2018-000624
Lower Court Case No. 2015CP3700558

Dear Mr. Temple:

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.

Since 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. 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.

You will need to provide the explanation required by Rule 243(c) within twenty (20) days of the date of this letter.

Finally, since the final order determined that you did not file a response to the conditional order of dismissal, I ask that you provide an explanation as to why this notice of appeal should not be dismissed under *Edith v. State*, 369 S.C. 408, 632 S.E.2d 844 (2006).¹ This explanation should be provided within twenty (20) days of the date of this letter.

Very truly yours,



CLERK

cc: Megan Harrigan Jameson, Esquire
Kelly Oppenheimer, Esquire

¹ In relevant part, this opinion states:

This Court has previously held that the issuance of a default judgment based on the failure of a party to file a response pleading or to appear is not appealable. [citations omitted]. We see no reason why this same rule should not be equally applicable to a PCR applicant who fails to avail himself of the opportunity to reply to a conditional order of dismissal and, as a result of this default, a final order of dismissal is issued. Accordingly, the notice of appeal in this matter is dismissed.