

# The Supreme Court of South Carolina

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CLERK OF COURT

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May 17, 2018

Mr. Shaheen Cabbagestalk, 295567  
Lieber Correctional Institution  
P. O. Box 205  
Ridgeville SC 29472

Re: Shaheen Cabbagestalk v. State  
Appellate Case No. 2018-000885  
Lower Court Case No. 2016CP1700013

Dear Mr. Cabbagestalk:

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.<sup>1</sup>

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](http://www.sccourts.org/courtreg). Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

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<sup>1</sup> While you did not provide a copy of the conditional order of dismissal and the final order of dismissal filed in this case, this Court has obtained a copy of these documents from the public case index in Dillion County.

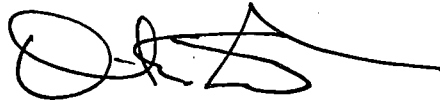
The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at [www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02](http://www.sccourts.org/courtOrders/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 as being untimely under the statute of limitations, Rule 243(c), SCACR, 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.

Please provide the explanation required by Rule 243(c) within twenty (20) days of the date of this letter.<sup>2</sup>

Further, you indicate that a timely post-trial motion under Rule 59 of the South Carolina Appellate Court Rules has been filed with the circuit court. If this is the case, I ask that you please explain why this case should not be dismissed under *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986). This explanation should be provided within twenty (20) days of the date of this letter.

Very truly yours,



CLERK

cc: Alan McCrory Wilson, Esquire

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<sup>2</sup> I note that the records of this Court reflect that a notice of appeal was filed regarding 2010CP17-00091, and that this Court denied the petition for a writ of certiorari by order dated September 11, 2014, after conducting a review pursuant to *Johnson v. State*. Appellate Court Case No. 2012-21259.