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S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

July 26, 2018

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

**Re: Rodney C. Bryan, #329517 v. State of South Carolina
2011-CP-32-0674; Post-conviction Relief Action.**

Dear Mr. Shearouse:

I write to advise all interested parties of what appears to be a procedural impasse in regard to the above action. The Order (granting a belated appeal, denying other relief) was filed February 2, 2018, and the State filed a Rule 59 motion on February 12, 2018. That motion is still pending. However, in March, Applicant, who represented himself in PCR, served a notice of appeal, and filed a notice of appeal with the Clerk of Court in Lexington. Though the notice was served and filed with the county clerk, I can find no indication of a filing with this Court or the Court of Appeals. The notice and letter of service is dated March 7, 2018. Applicant asserts in the notice that he received his copy of the Order on February 8, 2018, which would make service of the notice of appeal timely. See Rule 203(b)(1), SCACR. If timely filed, then jurisdiction is no longer in the circuit court. Rule 205, SCACR ("Upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal..."). But if not filed in the Supreme Court, I cannot ask for a dismissal or for remand to address the timely filed Rule 59. Therefore, I write to bring this impasse to the attention of all interested parties so that some resolution may be sought, and the Rule 59 motion may be properly ruled upon. Thank you.

Sincerely,

Melody J. Brown
Senior Assistant Deputy Attorney General

cc: The Honorable Edgar W. Dickson
The Honorable Lisa M. Cromer, Lexington County Clerk of Court
Rodney Calvin Bryan, #329517
Lee Correctional Institution
900 Wisacky Hwy
Bishopville, SC 29010