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AUGUST 6, 2018

AUG 10 2018

Re: Rodney C. Bryan #329517 v. State of South Carolina  
2011-CP-32-0674; Attorney General's letter dated July 26, 2018

S.C. SUPREME COURT

~~Dear Mr. Shearouse, Honorable Clerk, Supreme Court of South Carolina, and~~  
To Whom it May Concern,

I am writing all parties interest in the above-captioned matter of the Attorney General's, Respondent, letter dated; July 26, 2018, in which, Ms. Melody J. Brown, esquire, let it be known that a procedural impasse occurred, because, this Court did not receive pro se petitioner's Notice of Appeal, that was filed by the county clerk, on February 2, 2018. Ms. Brown, now seeks some resolution to have the Circuit Court rule on Respondent's timely Rule 59 motion, (see attached letter dated July 26, 2018).

First, for the record, pro se petitioner has a procedural impasse to file his own Rule 59 motion, because the Attorney General's office, nor the circuit court, produced a complete copy of the PCR transcripts, from both evidentiary hearings, convened on August 15, 2013 and November 13, 2014, until after, the final Judgment Order was filed by the county clerk, on February 2, 2018. In fact, petitioner received his first and only complete copy of the record on appeal as an enclosure, attached to the Attorney General's timely Rule 59 motion, received by petitioner on February 10, 2018. This procedural impasse has prejudiced pro se petitioner's due process right to present his case (see; Present his own Brief Rule 208, SCACR) and to be heard on the merits of "all other allegations" that were raised at PCR, that the PCR court failed to make findings of facts and conclusions of law upon, to preserve for appellate review (see; Rule 210(b), SCACR; "the appellate court will not consider any fact which does not appear in the record on appeal") to allot petitioner with a reasonable amount of time to submit his own Rule 59 motion (see; Rule 203(b)(1), SCACR "a motion under Rule 59(e) is timely if it is "served not later than 10 days after receipt of written notice of the entry of the order...") and the Supreme Court and the SCACR will not grant an extension of time to file a Rule 59 motion.

Petitioner seeks some resolution to the Attorney General's error, ~~not~~ produce him with a copy of the record on appeal to exercise his due process and equal protection rights, have his claims fully adjudicated in the accordance with law. U.S.C.A. Const. Amend. 14.

CC: Honorable Edgar W. Dickson, PCR Judge  
Honorable Lisa M. Cromer, Lexington Clerk of Court  
Ms. Melody J. Brown, Esquire, Attorney General office  
File Copy

Respectfully Submitted,  
Rodney C. Bryan #329517  
Rodney C. Bryan #329517  
Lee CI/F-2/2245  
990 Wisacky Highway  
Bishopville, SC 29010

PROCEDURAL HISTORY / BACKGROUND / 2011-LP-32-0674

On or about August 3, 2013 Applicant timely filed and served a 'Pre-Trial Brief' to the Lexington County Clerk of Court (Clerk of Court) and the office of the Attorney General (Respondent) outlining specific amendments and detail issues to be raised before the Court at the initial Evidentiary hearing that convened on August 15, 2013 (see; PCR Transcript dated August 15, 2013 (PCR TR. I) pg. 9, lines 14, 15 and pg. 21, lines 14-22 (filed as amendment)).

On Respondent's motion, the Court Reconvened To Take Additional Testimony from trial counsel, Theo Williams on November 13, 2014 (see; PCR Transcripts dated November 13, 2014 (PCR Tr. II)). Thereafter, applicant timely filed and served a Pro se 'Motion To Reconvene Evidentiary Hearing To Offer Testimony and Evidence...' by way of U.S. Postal Mail to the Clerk of Court and Respondent.

On or about February 27, 2016 applicant timely filed and served a Pro se 'Motion To Produce PCR Transcripts and Back-up Tapes from both hearings by way of U.S. Postal Mail to the Clerk of Court and the Respondent.

On March 11, 2016 the Respondent submitted a proposed order Granting Belated Appeal denying other allegations to Judge Dickson. Thereafter, applicant was served with proposed order and PCR Tr. I, only



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  
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Melody J. Brown  
Senior Assistant Deputy Attorney General

cc: The Honorable Edgar W. Dickson  
The Honorable Lisa M. Cromer, Lexington County Clerk of Court  
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Lee Correctional Institution  
900 Wisacky Hwy  
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Rodney Bryan  
S.C.D.C. No. 329517  
Lee CI/F-2/2245  
990 Wisacky Highway  
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Honorable Daniel E. Shearouse  
Clerk, Supreme Court of South Carolina  
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LEE CI MAIL ROOM

THE DEPARTMENT OF CORRECTIONS HAS NOT CENSORED  
THIS ITEM. THEREFORE, THE DEPARTMENT DOES NOT  
ASSUME RESPONSIBILITY FOR ITS WRITTEN CONTENTS

LEE CORRECTIONAL INSTITUTE  
SC DEPARTMENT OF CORRECTIONS