

# THE BOOZER LAW FIRM, LLC

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September 19, 2018

The Honorable Daniel E. Shearouse  
Clerk, Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

**RECEIVED**

**SEP 20 2018**

**S.C. SUPREME COURT**

**RE: Shakar McLean v. State of South Carolina**  
**Appellate Case No. 2018-001637**  
**Lower Court Case No. 2017-CP-43-113**

Dear Mr. Shearouse:

I am in receipt of this Court's letter dated September 18, 2018, noting deficiencies in the initial notice of appeal previously filed on behalf of my client. Please allow this letter to serve to correct these deficiencies.

Petitioner submits an arguable basis exists for asserting that the PCR court erred in dismissing Petitioner's PCR application as being barred by the statute of limitations. Specifically, Petitioner was sentenced on January 19, 2016. Petitioner was required to file his PCR application on or before January 20, 2017. Petitioner's sworn and verified original PCR application indicates he signed and verified his PCR application on January 18, 2017, and Petitioner testified he mailed his application shortly thereafter prior to the statute of limitations expiring. The PCR application was not actually clocked and filed with the Sumter County Clerk of Court until January 23, 2017, after the statute of limitations expired.

Petitioner submits the PCR court erred in finding he is not entitled to equitable tolling of the statute of limitations under this Court's recent ruling in Mose v. State, 420 S.C. 500, 803 S.E. 2d 718 (2017), due to circumstances beyond his control.

With regard to the PCR court's ruling that Petitioner is not entitled to a belated direct appeal from his guilty plea, as an officer of the Court, undersigned counsel is unable to set forth a valid explanation showing that there is an issue which can be reviewed on appeal. Accordingly, by copy of this letter, Petitioner is advised that he must, within fifteen (15) days of the date of this letter, provide directly to the Supreme Court of South Carolina at P.O. Box 11330,

Columbia, SC, 29211, an explanation showing that there is an issue which can be reviewed on appeal and identify the issue(s) to be raised on appeal and the factual basis for the issue(s) including how the issue(s) was raised below and the ruling of the lower court on that issue(s). He is further directed that if an issue was not raised and ruled on by the lower court, he must include argument and citation to legal authority showing how this issue can be reviewed on appeal.

Yours very truly,

A handwritten signature in black ink, appearing to read "L.S. Boozer", with a stylized flourish extending to the right.

Lance S. Boozer

Enclosures

cc: Julie Coleman, AAG  
Loriene French, OAD  
Shakar McLean, #366752

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

**RECEIVED**

APPEAL FROM SUMTER COUNTY  
Court of Common Pleas

SEP 20 2018

The Honorable Kristi F. Curtis Circuit Court Judge

**S.C. SUPREME COURT**

Appellate Case No. 2018-001637  
Lower Court Case No. 2017CP43113

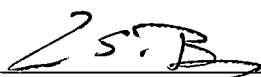
Shakar McLean, #366752, .....Petitioner,

v.

State of South Carolina,.....Respondent.

**PROOF OF SERVICE**

I, Lance S. Boozer, appointed attorney for Petitioner, certify that I have today served within letter pursuant to Rule 243(c) upon the Respondent by depositing a copy of it in the United States Mail, postage prepaid, addressed to Assistant Attorney General Julie Coleman, P.O. Box 11549, Columbia, SC 29211 and Petitioner Shakar McLean, #366752, Lieber Correctional, 136 Wilborn Ave., Ridgeville, SC 29472. I further certify that all parties required by Rule to be served have been served this 19th day of September, 2018.

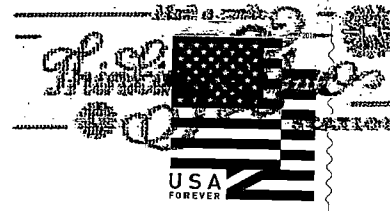
  
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