

# The Supreme Court of South Carolina

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November 13, 2018

The Honorable Renee Elvis  
Clerk of Court, Horry County  
PO Box 677  
Conway SC 29528-0677

## REMITTITUR

Re: The State v. Michel Andre Dukes  
Lower Court Case No. 2003-GS-26-03445  
Appellate Case No. 2018-001889

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

cc:

Michael Andre Dukes, Sr., #311176

Alan McCrory Wilson, Esquire

# The Supreme Court of South Carolina

The State, Respondent,

v.

Michel Andre Dukes, Appellant.

Appellate Case No. 2018-001889

Lower Court Case No. 2003GS2603445

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## ORDER

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Appellant has filed a notice of appeal "appealing his conviction and sentence" which was "imposed by the Honorable Edward B. Cottingham on August 8th, 9th, 2005." This notice of appeal is dated October 16, 2018, and was served on the respondent that same day.<sup>1</sup>

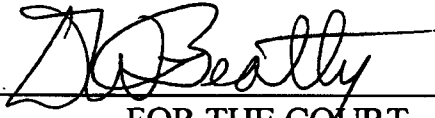
The notice of appeal has not been timely served under Rule 203 of the South Carolina Appellate Court Rules (SCACR). Further, an appeal has already been taken and resolved by the South Carolina Court of Appeals,<sup>2</sup> and nothing in the SCACR allows for the filing of successive notices of appeal from a criminal conviction and sentence. Accordingly, the notice of appeal is dismissed, and the remittitur will be sent as provided by Rule 221, SCACR.

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<sup>1</sup> This notice of appeal also references 2013CP2602686. The appeals arising out of that case have been resolved. Appellate Court Case Nos. 2014-001535, 2014-002330 and 2016-000040.

<sup>2</sup> The South Carolina Court of Appeals dismissed the appeal after conducting a review pursuant to *Anders v. California*, 386 U.S. 738 (1967). *The State v. Micheal A. Dukes*, Op. No. 2007-UP-423 (S.C. Ct. App. filed October 8, 2007) (Appellate Court Case No. 2005-032963). This Court dismissed the petition for a writ of certiorari to review that decision of the Court of Appeals. *The State v. Michel A. Dukes*, Appellate Court Case No. 2014-002192. It is noted that spelling of petitioner's first name is "Michael" in some filings and is "Michel" in others.

Appellant is also seeking relief from this Court under Rule 245, SCACR. Since appellant has not provided the motion filing fee required by this Court's orders dated July 6, 2015, and February 1, 2018, that request is dismissed. To the extent appellant may be asking this Court to waive this filing fee, that request is denied.<sup>3</sup>

  
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FOR THE COURT C.J.

Columbia, South Carolina  
October 25, 2018

cc: Office of the Attorney General  
Mr. Michel A. Dukes

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<sup>3</sup> The filing fee under Rule 240(d), SCACR, was increased to \$50 for motions or petitions filed on or after October 15, 2018.