

The Supreme Court of South Carolina

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October 26, 2018

The Honorable Beverly H. Whitfield
PO Box 678
Walhalla SC 29691-0678

REMITTITUR

Re: Roderick McRae v. State
Lower Court Case No. 2018CP3700100
Appellate Case No. 2018-001615

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:
Kelly Oppenheimer, Esquire
Roderick McRae, 236188

The Supreme Court of South Carolina

Roderick McRae, Petitioner,

v.

State of South Carolina, Respondent.


Appellate Case No. 2018-001615

Lower Court Case No. 2018CP3700100

ORDER

The final order in this post-conviction relief case finds that petitioner did not file a response to the conditional order of dismissal. The public case index for Charleston County reflects that petitioner filed two documents after the filing of the conditional order of dismissal on June 11, 2018: one filed on June 19, 2018, entitled "Traverse Motion to Return and Motion to Dismiss, and Traverse to Conditional Order of Dismissal and Request for Summary Judgment," and one filed on July 24, 2018, entitled "Opposition to Conditional Order of Dismissal." The State does not dispute that these documents were filed in response to the conditional order of dismissal, but indicates that it never received a copy of these documents.

The final order dated July 24, 2018, is vacated and the notice of appeal is dismissed. This matter is remanded to the circuit court to consider the responses filed by petitioner. The remittitur will be sent as provided by Rule 221 of the South Carolina Appellate Court Rules.



FOR THE COURT C.J.

Columbia, South Carolina
October 10, 2018

cc: Kelly Oppenheimer, Esquire
Mr. Roderick McRae, 236188