

STATE OF SOUTH CAROLINA  
In The Supreme Court

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MAY 09 2019

S.C. SUPREME COURT

Appeal from Greenville County

The Honorable Alex Kinlaw, Jr., Post-Conviction Relief Judge

Appellate Case No. 2019-000458

Donna Boyd, .....Petitioner,

v.

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

**RETURN TO MOTION TO REINSTATE**

Respondent, by and through the undersigned counsel, making its Return to Petitioner's *pro se* Motion to Reinstate, would show unto this Court:

I.

Petitioner filed a Notice of Appeal on March 21, 2019, wherein she attempted to appeal the denial by the Honorable Alex Kinlaw, Jr., of her application for post-conviction relief and her motion to alter or amend the judgement. A letter from Chief Appellate Defender Robert M. Dudek to Petitioner, dated April 9, 2019, warned Petitioner of the dangers of self-representation and the Court's strict time guidelines. A letter from Petitioner to Mr. Dudek, dated April 17, 2019, confirmed that Petitioner wanted to proceed in the appeal *pro se*. A letter from Mr. Dudek to Petitioner, dated April 19, 2019, reaffirmed to the Court that Petitioner wished to proceed *pro se*. An email received by Respondent on April 11, 2019, provided notice from the Clerk of the

South Carolina Supreme Court that this appeal would move forward with Petitioner as a *pro se* party. When Petitioner failed to comply with Rules 243(b) and 207(a)(1) of the South Carolina Appellate Court Rules, Petitioner's appeal was dismissed.

## II.

Respondent opposes the reinstatement of the appeal on the ground that Petitioner has failed to comply with the South Carolina Appellate Court Rules, despite being warned of the dangers of self-representation. When petitioning for a writ of certiorari to reiveu a post-conviction relief action, a petitioner must comply with the time limitations provided for appeals from the Court of Common Pleas when ordering transcripts. Rule 243(b), SCACR. The petitioner must order the relevant transcript within ten days of the filing of the notice of appeal and furnish all parties, including the Office of Court Administration, and the clerk of the appellate court with copies of all of the petitioner's correspondence with the court reporter from whom that transcript was ordered. Rule 207, SCACR.

As she is petitioning for certiorari to review the denial of her post-conviction relief application, the Petitioner was required to order the transcript of the post-conviction relief hearing within ten days of the filing of her notice of appeal, and to furnish the aforementioned parties with copies of the correspondence confirming that she ordered the relevant transcript. In this matter, Applicant has not timely submitted the required correspondence to Respondent, and it is unclear whether she did in fact order the transcript within the required time period, although Petitioner indicates in her motion that she has attempted to order the transcript from the court reporter. This failure to comply with the South Carolina Appellate Court Rules, and the resulting dismissal of Petitioner's appeal, are examples of the dangers of self-representation of which Petitioner was warned by Mr. Dudek, but which she nevertheless chose to disregard.

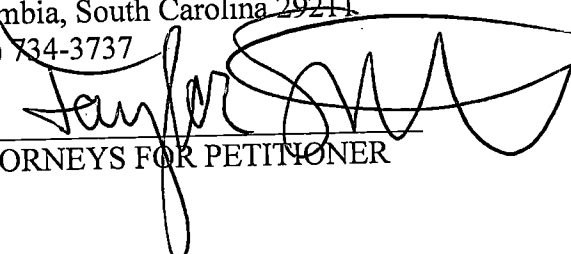
WHEREFORE, Respondent respectfully asks that this Court deny Petitioner's request to reinstate the appeal.

ALAN WILSON  
Attorney General

MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

TAYLOR ZANE SMITH  
Assistant Attorney General  
S.C. Bar No. 103282

Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3737

By:   
ATTORNEYS FOR PETITIONER

May 9, 2019

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Greenville County  
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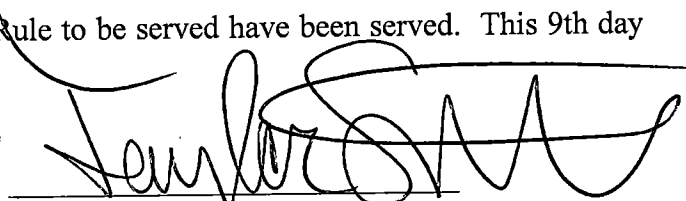
**CERTIFICATE OF SERVICE**

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I, Taylor Z. Smith, certify that I have today served the within Return to Motion to Reinstate upon Petitioner by depositing a copy of the same in the United States mail, postage prepaid, addressed to:

**Donna Boyd  
Post Office Box 1168  
Mauldin, SC 29662**

I further certify that all parties required by Rule to be served have been served. This 9th day of May, 2019.



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TAYLOR Z. SMITH  
S.C. Bar # 103282  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3737  
ATTORNEY FOR RESPONDENT



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MAY 09 2019

S.C. SUPREME COURT

ALAN WILSON  
ATTORNEY GENERAL

May 9, 2019

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

**Re: Donna Boyd v. State of South Carolina**  
**Appellate Case No. 2019-000458**  
**Lower Court Case No. 2018-CP-23-7725**

Dear Mr. Shearouse:

Attached are the original and six (6) copies of the *Return to Motion to Reinstate*, in the above referenced case for filing in your office.

Sincerely,

Taylor Z. Smith  
Assistant Attorney General  
SC Bar #103282

TZS/jacc  
Enclosures

cc: Donna Boyd