



ALAN WILSON
ATTORNEY GENERAL

February 5, 2013

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

Re: Dustin Williams v. State of South Carolina, 2012-CP-08-541

Dear Mr. Shearouse:

The State is in receipt of the Applicant's Motion for Leave to File a Rule 60(b) Motion in the above listed case. Please accept this letter in lieu of a formal return. The State objects to the Applicant's request for leave to file this motion. In his motion, the Applicant claims trial counsel improperly advised him as to a potential life sentence and his PCR counsel was ineffective for failing to file a notice of appeal on his behalf. The State submits neither of these claims warrants leave to file a 60(b) Motion while the appeal of his post-conviction relief action is pending.

The claim about trial counsel's improper sentencing advice is without merit and is not proper for a 60(b) motion as it was argued and ruled on in the Applicant's post-conviction relief case whose appeal is now pending in this Court. Further, the Applicant claim that PCR counsel was ineffective for failing to file an appeal is without merit as the Applicant's appeal is now pending in the Supreme Court. The State respectfully requests that this Court deny the Applicant's Request for Leave to File a Rule 60(b) motion. If a formal return to this motion is needed, the State will happily provide one.

Sincerely,

Ashleigh R. Wilson
Assistant Attorney General

RECEIVED

FEB 07 2013

Cc: Matthew Halverstadt
Appellate Defense
Dustin Williams

S.C. SUPREME COURT