

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

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July 09, 2019

Arthur Kerr Aiken, Esquire
2231 Devine St. Ste. 201
Columbia SC 29205

Re: Russell Montgomery v. State
Appellate Case No. 2019-001099

Dear Counsel:

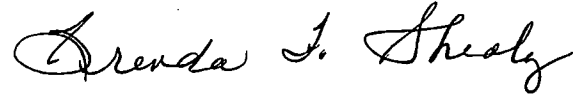
This Court has received a notice of appeal in the above post-conviction relief action. Since the order of the circuit court determined that this action is barred as being successive and/or as being untimely under the statute of limitations, Rule 243(c) of the South Carolina Appellate Court Rules requires you to provide a written explanation as to why this determination was improper. This explanation must contain sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper. The failure to make a sufficient showing may result in the dismissal of this matter.

In the event you determine that you do not have a good faith explanation to provide pursuant to Rule 243(c), you must provide this Court with a letter stating that as an officer of the Court you are unable to set forth any arguable basis for asserting the determination by the PCR judge was improper. The letter should also advise petitioner that he has twenty (20) days from the date of the letter to file a *pro se* explanation as to why the petitioner believes that this determination by the circuit court was improper. *Dennison v. State*, 371 S.C. 221, 639 S.E.2d 35 (2006). The letter filed with this Court should include proof of service showing

that a copy of the letter has been sent to the petitioner.

Please either provide the explanation required by Rule 243(c) or the response permitted by *Dennison* within ten (10) days of the date of this letter.

Very truly yours,

A handwritten signature in cursive script that reads "Brenda J. Shealy". The signature is written in black ink and is centered on the page.

CHIEF DEPUTY CLERK

cc:

Megan Harrigan Jameson, Esquire