

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

October 02, 2019

Ashley A. McMahan, Esquire
PO Box 5501
West Columbia SC 29171

Re: Marion Brewster v. State
Appellate Case No. 2019-001646
Lower Court Case No. 2017CP3204136

Dear Counsel:

This Court has received the enclosed *pro se* notice of appeal from your client.¹ I remind you that you remain his counsel of record in this case. Rule 71.1(g) of the South Carolina Rules of Civil Procedure and Rule 264(a) of the South Carolina Appellate Court Rules (SCACR).

This case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267, SCACR. The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

¹ While petitioner did not provide a copy of the conditional order of dismissal or the final order of dismissal, this Court has obtained these documents from the public case index for Lexington County.

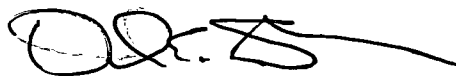
The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals.

The order can be found at

www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

As you know, the sole issue in this case is whether petitioner is entitled to a belated direct appeal under *White v. State*, and the PCR judge determined that petitioner was not entitled to a belated review due to laches. However, even if petitioner were ultimately to prevail on this issue, the most he would receive would be a belated appeal from his guilty plea and in that appeal petitioner would have to “provide a written explanation showing that there is an issue which can be reviewed on appeal. This explanation should identify the issue(s) to be raised on appeal and the factual basis for the issue(s) including how the issue(s) was raised below and the ruling of the lower court on that issue(s). If an issue was not raised to and ruled on by the lower court, the explanation shall include argument and citation to legal authority showing how this issue can be reviewed on appeal.” Rule 203(d)(1)(B)(iv), SCACR (explanation required when an appeal is taken from a guilty plea, Alford plea, or plea of nolo contendere). Therefore, I ask that you please provide the explanation required for a guilty plea appeal within ten (10) days of the date of this letter.²

Very truly yours,



CLERK

Enclosure

cc: Megan Harrigan Jameson, Esquire
Mr. Marion Brewster

² I am aware that the transcript for this guilty plea is not available. This does not, however, relieve petitioner of the burden on showing as an initial matter that there is an issue which can be reviewed in a direct appeal.