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SC Court of Appeals

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
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

February 04, 2020

Mr. James R. Rose, #293938
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

Re: James R. Rose v. State
Appellate Case No. 2017-002052

Dear Mr. Rose:

This responds to your document entitled "notice of appeal." In this document, you are apparently seeking review of a letter written by the Chief Deputy Clerk of the South Carolina Court of Appeals.

Under Rule 242(a) and (c) of the South Carolina Appellate Court Rules (SCACR), this Court will only review a final decision of the Court of Appeals, and a decision is not final until the Court of Appeals has ruled on a petition for rehearing or reinstatement. In the present case, the Court of Appeals has not issued a final decision in this case. Indeed, the case remains pending before the Court of Appeals as to whether the petition for a writ of certiorari should be granted or denied, and no petition for rehearing or reinstatement has been ruled on by the Court of Appeals. Therefore, to the extent this notice of appeal may be construed as seeking review under Rule 242, SCACR, no action will be taken on it by this Court.

To the extent this notice of appeal may be construed as seeking some relief from this Court under Rule 245, SCACR, no action will be taken on it since you are

represented by counsel in this case. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989). Instead, if it is appropriate to seek some relief from this Court, that request will have to be made by your counsel.

Very truly yours,

A handwritten signature in black ink, consisting of a large initial 'C' followed by a series of loops and a long horizontal stroke extending to the right.

CLERK

cc: Robert Michael Dudek, Esquire (with copy of notice of appeal)
Samuel Leonard Key, Esquire (with copy of notice of appeal)
~~The Honorable Jenny Abbott Kitchings (with copy of notice of appeal)~~



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
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January 08, 2020

James R. Rose, #293938
McCormick Correctional Institution
386 Redemption Way
McCormick SC 29899

Re: James R. Rose v. State
Appellate Case No. 2017-002052

Dear Mr. Rose:

This responds to your recent correspondence, petition to amend subject matter jurisdiction dated January 3, 2020. Since you are represented by counsel in this matter, no action will be taken on this *pro se* filing. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

Very truly yours,

V. Claire Allen

CHIEF DEPUTY CLERK

cc: Robert Michael Dudek, Esquire
Samuel Leonard Key, Esquire

James R. Rose,)
 Appellant,)
 v.)
 South Carolina,)
 Respondent.)

Appellate Case No.: 2017-DD2052

NOTICE OF APPEAL

Petitioner (James R. Rose), moves before the South Carolina Supreme Court to appeal the order from the South Carolina Court of Appeals dated, January 08, 2020, received on January 10, 2020. (Please see order). "Appeal may be taken, as provided by law, from any final judgment or appealable order." South Carolina Appellate Court Rules: Rule 201, SCACR.

Respectfully submitted,

James R. Rose

James R. Rose

386 Redemption Way

McCormick, SC 29899

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SC Court of Appeals

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S.C. SUPREME COURT

James R. Rose,)
 Appellant,)
 v.)
 South Carolina,)
 Respondent.)

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SC Court of Appeals

Appellate Case No.: 2017-002052

MEMORANDUM TO NOTICE
OF APPEALS.C. Const. Art. I, § 14

§ 14. Trial by jury; witnesses; defense. The right of trial by jury shall be preserved inviolate. Any person charged with an offense shall enjoy the right to a speedy and public trial by an impartial jury; to be fully informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to be fully heard in his defense by himself or by his counsel or by both. (1970(56) 2684; 1971(57) 315.)

Hodges v. Rainey, 341 S.C. 79, 533 S.E. 2d 578

1. Statutory Construction: The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature. Charleston County Sch. Dist. v. State Budget and Control Bd., 313 S.C. 1, 437 S.E. 2d 6 (1993). "Under the plain meaning rule, it is not the court's place to change the meaning of a clear and unambiguous statute." In Re Vincent J., 333 S.C. 233, 509 S.E. 2d 261 (1998) (citations omitted).

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S.C. SUPREME COURT

Where the statute's language is plain and unambiguous, and conveys a clear and definite meaning, the rules of statutory interpretation are not needed and the court has no right to impose another meaning. *Id.* at 233, 509 S.E.2d at 262 (citing *Paschal v. State Election Comm'n*, 317 S.C. 434, 454 S.E.2d 990 (1995)). "What a legislature says in the text of a statute is considered the best evidence of the legislative intent or will. Therefore, the courts are bound to give effect to the expressed intent of the legislature." Norman J. Singer, *Sutherland Statutory Construction* § 46.03 at 94 (5th ed. 1992).

CONCLUSION

For the reasons set forth, Petitioner's appeal must be granted and Petitioner must be allowed to be fully heard in his defense by himself or by his counsel or by both, pursuant to S.C. Const Art. I, § 14.

Sworn before me this 22nd day of January 2020,
[Signature]

Notary Public

My commission expires 8/5/2024

Respectfully submitted,

[Signature]
JAMES R. ROSE

386 REDEMPTION WAY
MCCORMICK, SC 29899

Enclosures

cc:

Robert Michael Dudek, Esquire

Samuel Leonard Key, Esquire

January 22, 2020

Dear Clerk:

Please find enclosed an original and one copy of Petitioner's Memorandum and Notice of Appeal in reference to James R. Rose v. South Carolina; Appellate Case No.: 2017-002052, and an original and one copy of South Carolina Court of Appeals' order.

Sincerely,

James R. Rose
JAMES R. ROSE
386 REDEMPTION WAY
MCCORMICK, SC 29899

In addition, please mail me a filed copy of this notice, in the envelope enclosed.

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S.C. SUPREME COURT