

The Honorable Daniel E. Shearouse
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

RE: Response to Attorney General Lillian Meadows' Letter Dated March 3, 2020

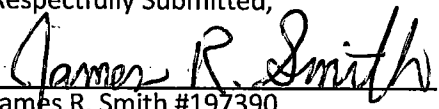
March 12, 2020

Dear Honorable Shearouse,

I am writing you in regards to Ms. Meadows' letter to you dated March 3, 2020. I would like to specifically reply to the misleading portion of her letter stating that "I relinquished my opportunity to challenge the dismissal of my PCR action." I filed my Reply to Conditional Order and Motion to Amend within the twenty day time frame. Ms. Meadows's reply that I did not file my response within the twenty day time frame is false. Ms. Meadows' Certificate of Service states that the Conditional Order was mailed on December 10, 2019. Twenty days from that date would be Monday, December 30, 2019. However, the Uniform Post Conviction Procedure Act, specifically Rule 71.1 SCRCP(a), provide that the S.C. Rules of Civil Procedure shall apply to the extent that they are not inconsistent with the Act. Ms. Meadows said in her letter that I failed to request an extension. I did not have to, simply because I was within the time frame. Rule 6(e) SCRCP states that additional time after service by mail or upon statutory agent "whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail or upon a person designated by statute to accept service, five days shall be added to the prescribed period. Ms. Meadows concedes in her letter that the Conditional Order by virtue of her Certificate of Service was served by mail on December 10, 2019. Therefore, five additional days are added to the prescribed period by Rule 6(e) of the SCRCP which will extend the twenty day time period to respond to Saturday, January 4, 2020. Furthermore, since January 4, 2020 fell on a weekend, Rule 6(a) SCRCP comes into play, when "the last day of the period so computed is to be included, unless it is a Saturday, Sunday, or state or Federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor such holiday". Based on the applicable rules (Rule 6(e) and Rule 6(a) SCRCP), Monday, January 6, 2020 was the end of the timeframe to file my response.

In compliance with this timeframe, I filed my response on January 2, 2020. That was both the date sign on the pleadings and the date I mailed my response to the Lexington County Clerk of Court.

Respectfully Submitted,


James R. Smith #197390

CC: file copy

Lillian L. Meadows, Assistant Attorney General

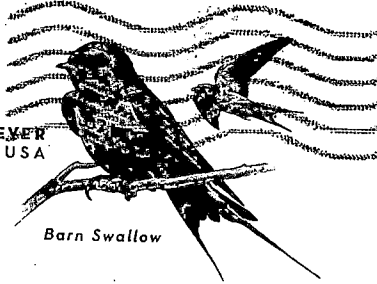
RECEIVED
MAR 13 2020
S.C. SUPREME COURT

JAMES R. SMITH #197390
MALDOUGALL CORR. INST.
HICKORY B-18-A
1516 OLD GILLIARD RD.
RIDGEVILLE, S.C.
29472

CHARLESTON SC 294

12 MAR 2020 PM 1 1

FOREVER
USA

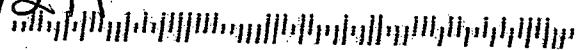


LEGAL MAIL

THE HONORABLE DANIEL E. SHEAROUSE
SUPREME COURT OF SOUTH CAROLINA
POST OFFICE BOX 11330
COLUMBIA, S.C.

29211-133030

29211



THE DEPARTMENT OF CORRECTIONS HAS NOT
CENSORED THIS ITEM. THEREFORE, THE DEPARTMENT
DOES NOT ASSUME RESPONSIBILITY FOR ITS
WRITTEN CONTENTS. MACDOUGALL CORRECTIONAL
INSTITUTION.



THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT 

© USPS 2016