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February 25, 2013

VIA US MAIL

Daniel E. Shearhouse
Supreme Court of South Carolina
Post Office Box 11330
Columbia, SC 29211

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RECEIVED

MAR 01 2013

S.C. SUPREME COURT

Re: Donovan Murray v. State of South Carolina
Case Number: 2011-CP-10-8319

Dear Mr. Shearhouse:

I hope this correspondence finds you doing well. Please allow this letter to respond to your letter dated February 22, 2013, in the above-referenced matter. In that letter, you requested that I "provide this Court with a copy of the final order issued by the circuit court" in order for this matter to proceed on appeal. As of the date of this letter, no final order has been issued by the circuit court in this matter. The PCR judge did send an informal notice that the PCR application was denied. See Order filed January 25, 2013, attached hereto as Exhibit A. Notably, this order directed that a more complete order would follow. Id. The order directed the Attorney General's office to prepare a proposed order for submission within 30 days. Id. The Attorney General's office complied with this order by filing the proposed order on February 11, 2013. The formal order denying complainant's PCR application has yet to be signed and entered by the PCR judge. Thus, the time to file a timely notice of appeal has yet to begin. See Rule 203(b)(1), SCACR ("When a form or other short order or judgment indicates a more full and complete order or judgment is to follow, a party need **not appeal until receipt of written notice** of entry of the more complete order or judgment") (emphasis added). Please let me know if you need any additional information or have any questions.

With best regards, I am

Sincerely,

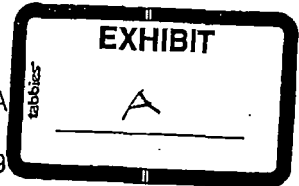
Mark A. Peper

Enclosures as stated.

cc: Donovan Murray
Suzanne Hollifield White, Esquire
Michael Anzelmo, Esquire (via electronic mail only)

cc AS AT STATE OF SOUTH CAROLINA
County of Charleston Berkeley

COURT OF CO* MON PLEA
Case No. 2011-CP-10-8319



DONOVAN TERRELL MURRAY
Applicant / Petitioner

vs.

State of South Carolina,
Respondent.

ORDER

FILED
2013 JAN 25 PM 2:55
JULIE J. ARMSTRONG
CLERK OF COURT
BY 1

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

1. The application for post-conviction relief is hereby: denied granted under advisement; a formal order will be filed (see below - No.6)

2. Motion(s) was/were heard in this case and the court orders:
The motion to dismiss and/or for summary judgment is hereby granted denied under advisement, based upon the statute of limitations and/or the successive nature of the application or other reason as follows:

3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:

Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.

The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.

4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed with prejudice without prejudice.

5. Other: _____

6. The court further orders:
 The Attorney General Applicant's counsel is directed to submit to the court a proposed order and to serve the order on opposing counsel within 30 days.

Both sides are directed to submit proposed orders to the court and to serve the orders on each other within _____ days.

The court does not request proposed orders.

IT IS SO ORDERED.

Date: 1 / 22 / 2013
Charleston, S.C.

Presiding Judge

Court Reporter: Bonnie Kelly
Attorney for Plaintiff: Mark Pepper
Attorney for Defendant: Ashleigh R. Wilson