



# The Supreme Court of South Carolina

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April 29, 2020

Ms. Susannah Conyers Ross, Esquire  
330 East Coffee St.  
Greenville SC 29601

Re: Kevin W. McDaniels v. State  
Appellate Case No. 2020-000656  
Lower Court Case No. 2017CP4204438

Dear Counsel:

This Court has received your notice of appeal, and the 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 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at [www.sccourts.org/courtreg](http://www.sccourts.org/courtreg). Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

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](http://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.

Since the order of the circuit court determined that this action is barred as being successive and as being untimely under the statute of limitations, Rule 243(c) (formerly Rule 243(c)), SCACR, 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.

I ask that you either provide the explanation required by Rule 243(c) or the response permitted by *Dennison* within twenty (20) days of the date of this letter

Further, since your client has filed multiple post-conviction relief applications challenging the underlying criminal conviction(s), the Court, if it determines that an adequate explanation under Rule 243(c), SCACR, has not been provided, may decide to prohibit your client from filing a post-conviction relief application, habeas corpus action, or any other action, motion or petition in the circuit court challenging this conviction(s) and sentence(s) (including a motion under Rule 29 of the South Carolina Rules of Criminal Procedure) without first obtaining the permission of this Court to do so. If you believe that there is some reason(s) why such a prohibition should not be imposed on future filings by your client, those reasons should be provided within twenty (20) days of the date of this letter. In the event you determine that you do not have a good faith reason to submit, I suggest

that you follow the *Dennison* procedure outlined above to afford your client the opportunity to submit any reasons he may wish to submit as to why restrictions should not be placed on future filings by him.

Very truly yours,

A handwritten signature in black ink, appearing to be "D.E. S.", with a long horizontal flourish extending to the right.

CLERK

cc: Megan Harrigan Jameson, Esquire