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June 15, 2020

JUN 18 2020

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

S.C. SUPREME COURT

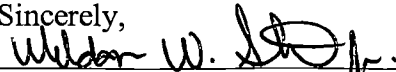
RE: Weldon Stewart #295095, Appellant, v. State of South Carolina,
Respondent, Case No. 2018-CP-34-00121

Dear Mr. Shearouse:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent.
- (2) A copy of the orders which are to be challenged on appeal.
- (3) Email showing that written notice of entry of this order was received on May 14, 2020.
- (4) This appeal is being filed with the Supreme Court because the PCR court summarily dismissed Appellant's PCR application as being successive and untimely. Appellant believes this ruling is improper because Appellant asserted that his PCR claims fall within exceptions to the bar against untimely and successive applications. Specifically, Appellant invoked the discovery rule by claiming that the evidence supporting the second PCR application was not discovered until after the original PCR application had been filed and ruled upon. Appellant further asserted that this evidence was unavailable to him at the time of the filing of his original PCR application due to the fact that the State committed Brady violations. Therefore, genuine issues of material facts exists as to whether the second PCR application is successive or untimely and a full evidentiary hearing is warranted in this matter as pursuant to this Court's rulings in McCoy v. State, 401 S.C. 363, 737 S.E.2d 623 (S.C. 2013) and Robertson v. State, 418 S.C. 505, 795 S.E.2d 29 (S.C. 2016).

Sincerely,

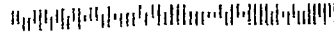


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Pro Se Appellant

cc: Chesley Marto
Assistant Attorney General

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[Legal Mail]

OFFICE

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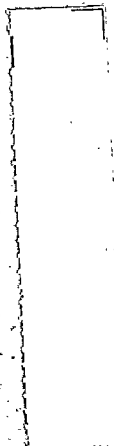
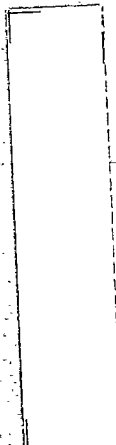
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SC SUPREME COURT



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