

IN THE SUPREME COURT OF SOUTH CAROLINA

APPELLATE CASE NO. 2020-000738

IN RE: PCR CASE NO. 2016-CP-45-244

RECEIVED

JUL 31 2020

S.C. SUPREME COURT

Adrian M. McCray, [319977])
Appellant,) *Appellant's Response/explanation*
) *as to why this court should allowed*
-vs-) *his Appeal heretofore presented to*
) *this Court to proceed to prevent a*
State of South Carolina,) *clear miscarriage of justice.*
Respondent,)
_____)

NOW COMES Adrian M. McCray, appellant respectfully before this Honorable Court by way of the above-captioned matter requesting that this Court allow his Appeal to proceed. The following facts should be considered by this court in reviewing the proceedings to ascertain rather appellant is entitled to proceed on appeal in this matter:

Relevant Facts

Appellant in this case appeals the dismissal of his Post Conviction Relief Application in which the Court noted that dismissal was appropriate for violation of statute of limitations and barred as successive and/or as being untimely filed.

Pursuant to Rule 243(c) of the South Carolina Appellate Court Rules, I am providing this court with facts sufficient to warrant this appeal being allowed to go

forward in this Court.

This Court sits as the appellate court for reviewing errors that may have been made during the course of the proceedings in this case. At no point has appellant ever been made aware or received actual notice of the PCR Court's Order dismissing his cause before the Court of Common Pleas. As no such NOTICE OF ORDER being issued by the court appellant is unaware of lawful way he could have presented this appeal to the court without actual notice of the entry of the Final Order.

- Accord: Letter from this Court dated July 7, 2020, Foot Note 1.
- Accord: Letter from Kenneth R. Young, Jr., dated July 16, 2020; in which he concluded that he was unable to set forth any arguable basis that the PCR Judge determination was improper,
- Accord: Letter from Williamsburg County Clerk of Court, hereto attached and made apart of this response by incorporation.

Appellant having made this response to the Courts request for explanation, prays that the Court allow the appeal to proceed as the failure to do so would result in appellant being denied fundamental fairness in the presentation of his claims at ever level of the judiciary process, effectively rendering both PCR and Appellate Procedures ineffective.

CONCLUSION

WHEREFORE, appellant prays that his appeal be allowed to proceed to prevent a miscarriage of justice.

Date: _____

s/ _____
Adrian M. McCray