



# The Supreme Court of South Carolina

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March 15, 2013

Mr. Gary Lewis Williams  
269 W. Laurens St.  
Laurens SC 29360-2905

Re: *Brian K. Stephens v. State*  
Appellate Case No. 2013-000528  
Lower Court Case No. 2011CP3000407

Dear Counsel:

Enclosed is *pro se* notice of appeal that this Court has received from your client, and the case has been assigned the appellate case number that appears above.<sup>1</sup> Please use this number on all future correspondence relating to this matter. Since you were his counsel below, I remind you that you remain his counsel of record before this Court. Rule 71.1(g), SCRCF.

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<sup>1</sup> In the notice of appeal, petitioner appears to be indicating that he is seeking a belated appellate review under *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). Relief under *Austin* is sought by filing a new application for post-conviction relief in the circuit court. *Cf. King v. State*, 308 S.C. 348, 417 S.E.2d 868 (1992) (setting forth the appellate procedures to be followed depending on the findings made by the PCR judge regarding the *Austin* claim). Of course, without knowing when you as his counsel received written notice of entry of the final order in the matter, I have no idea if the time to appeal has expired or not. Rules 243(b) and 203(b)(1), SCACR (written notice of entry begins time to appeal).

For this matter to proceed, you will need to provide the following within ten days of the date of this letter:

- (1) A proof of service showing that the notice of appeal has been served on opposing counsel;
- (2) A copy of the order(s) that are to be challenged on appeal; and,
- (3) A statement as to the date on which you received written notice of entry of the final order in 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/HTMLFiles/2007-08-13-02.htm](http://www.sccourts.org/courtOrders/HTMLFiles/2007-08-13-02.htm). 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

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized 'O' followed by a series of loops and a long horizontal stroke extending to the right.

CLERK

Enclosure

cc: Office of the Attorney General  
Mr. Brian K. Stephens, #131066