



The Supreme Court of South Carolina

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October 15, 2020

James Kristian Falk, Esquire
PO Box 1058
Charleston SC 29402

Re: Joseph D. Urato v. State
Appellate Case No. 2020-001363

Dear Counsel:

This Court has received a notice of appeal in the above post-conviction relief (PCR) action. Since the order of the circuit court determined this action is barred as being successive and/or as being untimely under the statute of limitations, Rule 243(c) of the South Carolina Appellate Court Rules (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.

Please either provide the explanation required by Rule 243(c) or the response permitted by *Dennison* within ten (10) days of the date of this letter.

Very truly yours,



DEPUTY CLERK

cc:
Taylor Zane Smith, Esquire