

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Post-Conviction Relief

Michael G. Nettles, Circuit Court Judge

Case No.: 2017-002269

Deonte Brown #361477, Petitioner,

vs.

State of South Carolina, Respondent.

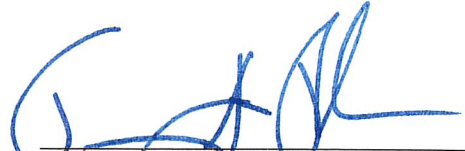
RETURN TO RESPONDENT'S MOTION TO DISMISS

On December 31, 2020, Respondent filed a motion to dismiss Petitioner's petition for writ of certiorari to the Court of Appeals. Its entire argument is that "Petitioner does not seek certiorari on the direct appeal issues addressed by the Court of Appeals in its opinion." Motion, p.4. This is only partially correct. In the Court of Appeals' order, the only substantive issues addressed were those presented as direct appeal issues pursuant to *White v. State*. The same order, however, also dismissed the post-conviction relief issues addressed in separate briefs without consideration. Petitioner has the right to ask for certiorari to review this dismissal. Respondent cites *Haggins v. State*, 377 S.C. 135, 659 S.E.2d 170 (2008) and *Ellison v. State*, 382 S.C. 189, 676 S.E.2d 671 (2009) for the proposition that a "letter denial" of certiorari pursuant to Rule 226, SCACR of post-conviction relief issues (Rule 226 has been renumbered as 242, SCACR).

Despite the denial of certiorari by the Court of Appeals, Petitioner believes that the issues presented are meritorious and requests this court to grant certiorari and review them.

CONCLUSION

This court should deny Respondent's motion to dismiss, grant Petitioner's petition for writ of certiorari, and allow further briefing.



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