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STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

JAN 11 2021

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

SC Court of Appeals

Nathaniel Muhammad, #307236,
Appellant,

vs.

State of South Carolina,
Respondent.

Case No. 2018-CP-1827

**NOTICE OF APPEAL
(AND INCORPORATED)
CERTIFICATE OF SERVICE**

Notice is hereby given that Nathaniel Muhammad, #307236, acting
pro se, does hereby appeal the **FINAL ORDER OF DISMISSAL** concerning the
above caption case number and issued by Chief Administrative Judge,
Maite Murphy, on December 17, 2020, and received by the Appellant on
January 4, 2021, a copy of which is attached hereto. As grounds for
appeal, the Appellant will show the following:

Appellant filed this action on October 15, 2018. The Respondent,
in violation of the South Carolina Rules of Court, made an **untimely
Return** on October 30, 2019, requesting that the court summarily dismiss
his application.

Due to the timing of the Respondent's belated Return and the
unfortunate circumstance of the Corona Virus pandemic, no action was
taken regarding this case until February 2020. As a result of the
pandemic, the Appellant, because of his incarcerated circumstances, and
the need for institutional lock down to prevent the spread of Covid,
the Appellant has been unable to access the prison Law Library, or gain
the assistance of others qualified to assist him.

At the time of their Return, the Respondent moved also for a
Conditional Order of Dismissal, which because of the pandemic was
delayed in service. This Conditional Order of Dismissal was signed by
the Honorable Edgar W. Dickson, on February 3, 2020. The Conditional
Order provided the Appellant twenty (20) days to show good cause as to
why the case should not be dismissed.


This Conditional Order was served on February 27, 2020, during a
time of institutional lock down and **world wide crisis** which prevented
the Appellant a fair opportunity to reply within the time line of the
Order.

Because of the fact that conditions of staff shortage, virus lock down, and social distance requirements continue to subject the Appellant to limited access to research facilities, supplies and assistance personnel, he was unable to reply and continues to suffer these unfortunate consequences. These issues are a direct cause of Appellant's failure to reply and object to the lower court's Condition Order of Dismissal.

C O N C L U S I O N

Because of the reasons stated herein, Appellant hereby submits this Notice of Appeal and incorporated Certificate of Service.

Respectfully Submitted,



Nathaniel Muhammad, Appellant pro se

CERTIFICATE OF SERVICE

I hereby certify that I, Nathaniel Muhammad, have on this 4th day of January, 2021, have served a copy of the foregoing **NOTICE OF APPEAL** on all parties to this matter by depositing the same in the United States Mail, with First Class postage affixed thereto and addressed as follows:

Clerk of Court
Dorchester County Courthouse
101 Ridge Street
St. George, South Carolina 29477

S.C. Attorney General
Post Office Box 11549
Columbia, S.C. 29211-1549

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SC Court of Appeals

Nathaniel Muhammad #307236
Perry Corr, Inst. Q-2 B201
430 Oaklawn Road
Pelzer, South Carolina 29669

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SC Court of Appeals

January 04, 2021

C l e r k o f C o u r t
S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Nathaniel Muhammad v. South Carolina
PCR APPEAL - 2018-CP-1827

Dear Clerk:

Enclosed please find my **NOTICE OF APPEAL** and incorporated **CERTIFICATE OF SERVICE** in connection with the above referenced case, along with my application to proceed In Forma Pauperis to be filed with your office.

Any assistance you provide is tremendously appreciated, Should you have any questions or concerns please do not hesitate to contact me at the address listed above. With best regards and kind wishes always.

Respectfully,

Nathaniel Muhammad

Nathaniel Muhammad #307236
Perry C.I. - Q2 B201
430 Oaklawn Road
Pelzer, S.C. 29669

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