

The South Carolina Court of Appeals **RECEIVED**

JUL 12 2021

SC Court of Appeals

Leonard L. Foster, #179576, Appellant,

v.

State of South Carolina, Respondent.

Appellate Case No. 2021-000497

- The Honorable J. Mark Hayes, II -
Cherokee County
Trial Court Case No. 2019CP1100535

BRANDY W. MCBEE

2021 JUL -8 AM 10:30

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

ORDER

This Court's remittitur was sent to the Clerk of Cherokee County on June 14, 2021. It is now necessary for this Court to recall the remittitur. The Clerk of Cherokee County is, therefore, directed to return the remittitur to the Clerk of the South Carolina Court of Appeals within ten (10) days of the date of this order.

FOR THE COURT

BY

Catherine Jamison, deputy

CLERK

Columbia, South Carolina

cc:

Leonard L. Foster, 179576
Alan McCrory Wilson, Esquire
Chelsey Faith Marto, Esquire
Brandy W. McBee

FILED
Jul 06 2021



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
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June 14, 2021

The Honorable Brandy W. McBee
PO Drawer 2289
Gaffney SC 29342-2289

REMITTITUR

Re: Leonard Foster v. State
Lower Court Case No. 2019CP1100535
Appellate Case No. 2021-000497

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen

CLERK

Enclosure

cc: Leonard L. Foster, 179576
Alan McCrory Wilson, Esquire
Chelsey Faith Marto, Esquire

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 JUN 16 AM 11:03
BRANDY W. MCBEE

The South Carolina Court of Appeals

Leonard L. Foster, #179576, Appellant,

v.

State of South Carolina, Respondent.

Appellate Case No. 2021-000497

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 JUN 16 AM 11:03
BRANDY W. MCBEE

ORDER

Appellant has appealed the circuit court's order dismissing his petition for habeas corpus because the issues raised in the habeas petition could have been raised in a timely application under the Post-conviction Relief Act. Pursuant to Rule 203(d)(1)(B)(vi), SCACR, Appellant is required to provide a written explanation to this Court as to why the lower court's determination was improper. Appellant has filed an explanation, but the explanation does not "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." Rule 203(d)(1)(B)(vi), SCACR. Accordingly, this appeal is dismissed. The remittitur will be sent as provided in Rule 221, SCACR.


FOR THE COURT

Columbia, South Carolina

FILED
May 27 2021

cc:

Leonard L. Foster, 179576
Alan McCrory Wilson, Esquire
Chelsey Faith Marto, Esquire



Mrs. Brandy W. McBee
 Clerk Of Court, Cherokee County
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SC Court of Appeals

29211-162929

