

SUPREME COURT OF SOUTH CAROLINA

APPELLATE CASE No: 2022-000247

Walter Keller Jr., -vs- State

Walter Keller Jr., [303807],)
Appellant,)
-Vs-)
State of South Carolina,)
Respondent.)

COMPLIANCE WITH 243(c)

Walter Keller Jr., (hereinafter Appellant) respectfully move the Court pursuant to the above-mentioned Rule 243(c), hereof provides the following written explanation.

STATEMENT OF FACT

By Order of the Circuit Court dated: Jan. 25, 2022, my Application for Post-Conviction Relief (PCR) was dismissed as Untimely under the Statute of Limitations, in-accordance with the above Rule 243(c) appellant provides the following:

Appellant's Post-Conviction Relief (PCR), was notarized and mailed to the Clerk of Court for filing on August 11th, 2021 as shown of the application filed with the Clerk.

Appellant's application was at that time filed as a matter of Record, (see: PCR Application).

Appellant aver that as matter of settled law, his Application is accordingly deemed filed on the date he delivered it to the Prison Mailroom Clerk, in-compliance with the Mail-Box Rule, Proof of Mailing raises a rebuttable presumption, that presumption sufficiently provides explanation as to why the Circuit Court's determination was improper according to the evidences and facts; moreover, the legal authority MAILBOX RULE.

Appellant further submits that the determination by the Circuit Court that Appellant's PCR was untimely by 4 days failed to take into account the date of service, and accordingly denied Appellant the opportunity to have any bit at the apple; especially being that this Court requires appellant provide written explanation.

With respect to Rule 203(e)(1)(C), SCACR, appellant states that he received written notice of entry of the final order in this case on FEB. 15th, 2022.

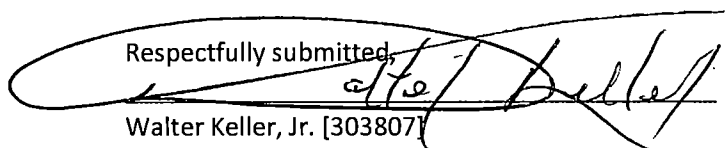
WHEREFORE, appellant pray that this court allowed him to proceed with his Appeal.

RECEIVED

MAR 28 2022

S.C. SUPREME COURT

Dated: 3-18-22

Respectfully submitted,


Walter Keller, Jr. [303807]
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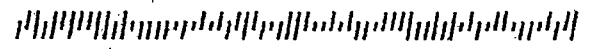
**RIDGELAND CORRECTIONAL
INSTITUTION**

MAR 22 2022

Mailroom

Supreme Court of South Carolina
Patricia A. Howard, Clerk
P.O. Box 11330
Columbia South Carolina 29211

29211-133030



THE DEPARTMENT OF CORRECTIONS HAS NOT
CENSORED THIS ITEM: THEREFORE, THE DEPARTMENT
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OF ITS CONTENTS.

LeVERN COHEN, WARDEN
RIDGELAND CORRECTIONAL INSTITUTION
S.C. DEPARTMENT OF CORRECTIONS



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