

Tristan M. Shaffer
Attorney at Law

April 18, 2022

Via email suptcfilings@sccourts.org
Patricia Howard
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

RECEIVED

Apr 18 2022

S.C. SUPREME COURT

RE: Christopher L. Williams v. State Appellate Case 2022-000376

Dear Ms. Howard,

I am writing concerning your letter dated April 8, 2022.

I do not recall the exact date that I received the Final Order of Dismissal in 2011-CP-15-402. However, I am obligated to inform the Court that I know that I received the Final Order of Dismissal prior to the week of November 29, 2021. Therefore, I do not believe the above captioned appeal is timely. *See Hill v. S.C. Dep't of Health & Envtl. Control*, 389 S.C. 1, 21, 698 S.E.2d 612, 623 (2010) (“The service of a notice of appeal is a jurisdictional requirement, and the time for service may not be extended by this Court.”); *see also, Wells Fargo Bank, N.A. v. Fallon Props. S.C., LLC*, 422 S.C. 211, 217, 810 S.E.2d 856, 859 (2018) (holding that an email to counsel of record is sufficient to trigger the time to file an appeal.).

As to your second request, I must state an officer of the Court I am unable to provide any arguable basis for asserting that the circuit court erred in dismissing the PCR. I do not believe that the issues that Petitioner raised to the circuit court are cognizable PCR issues under the current law.¹

¹ Counsel does not express any opinion on whether Petitioner could raise challenges to his conviction in a state court petition for writ of habeas corpus. *See Williams v. Ozmint*, 380 S.C. 473, 477-78, 671 S.E.2d 600, 602 (2008) (“Notwithstanding the exhaustion of appellate review, including all direct appeals and PCR, habeas corpus relief remains available to prisoners in South Carolina. See S.C. Const. art. I, § 18. Habeas relief is seldom used and acts as an ultimate insurer of fundamental constitutional rights. For these reasons, a defendant bears a much higher burden in a habeas proceeding. A writ of habeas corpus is reserved for the very gravest of constitutional violations ‘which, in the setting, constitute a denial of fundamental fairness shocking to the universal sense of justice.’ It is clear that ‘not every intervening decision, nor every constitutional error at trial will justify the writ’. A defendant who seeks a writ of habeas corpus based on an error recognized as a constitutional violation after his conviction must show that, in the setting, the violation denied him fundamental fairness.” (internal citations omitted)).

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By way of this letter, I am also notifying Mr. Williams 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. *See Dennison v. State*, 371 S.C. 221, 639 S.E.2d 35 (2006).

Please let me know if you need any additional information.

Sincerely,



Tristan M. Shaffer

Cc:
Megan Jameson (via e-mail mjameson@scag.gov)
Christopher Love Williams #281434