



The Supreme Court of South Carolina

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December 8, 2022

Mr. Barry Leon Rhodes, 121117
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

Re: Barry Rhodes v. State
Appellate Case No. 2022-001689
Lower Court Case No. 2021CP4201093

Dear Rhodes:

Your attorney has filed a notice of appeal in this matter. Since the order of the circuit court (enclosed) determined that this action is barred as being successive and as being untimely under the statute of limitations, Rule 243(c) of the South Carolina Appellate Court Rules (SCACR) requires you to provide a written explanation as to why this determination was improper. This explanation must 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.

Since your counsel indicates in the enclosed explanation that he is unable to provide the explanation required by Rule 243(c), SCACR, this letter is to advise you that you have twenty (20) days from the date of the letter to file a *pro se* explanation as to why you believe this determination by the circuit court was improper. *Dennison v. State*, 371 S.C. 221, 639 S.E.2d 35 (2006). The failure to

submit a timely and adequate *pro se* response may result in the dismissal of this matter.

Since you have filed multiple post-conviction relief applications challenging the underlying criminal conviction(s), the Court, if it determines that you have failed to provide an adequate explanation under Rule 243(c), SCACR, may decide to prohibit you from filing a post-conviction relief application, habeas corpus action or any other action, motion or petition in the circuit court challenging this conviction(s) and sentence(s) (including a motion under Rule 29 of the South Carolina Rules of Criminal Procedure) without first obtaining the permission of this Court to do so. If you believe that there is some reason(s) why such a prohibition should not be imposed on future filings by you in the circuit court, those reasons should be provided within twenty (20) days of the date of this letter.

Very truly yours,

Patricia A. Howard

CLERK

Enclosures

Explanation by Counsel
Final Order

cc: Rodney Wade Richey, Esquire
Chelsey Faith Marto, Esquire