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IN THE SUPREME COURT  
STATE OF SOUTH CAROLINA

S.C. SUPREME COURT

Rico J. Washington, #331437

Appellant

Appellant Case No. 2024-00153

v.

**EXPLANATION PURSUANT TO RULE  
243(c).**

State of South Carolina

Respondent.

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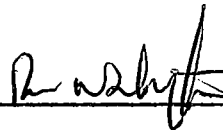
I make this explanation pursuant to Rule 243(c), S.C.R.A.P., that was given to me on August 26, 2024. The Appellant first objection is from the Respondent Return. The Return is labeled with motion to dismiss, which violates the Rule 71.1(d), S.C.R.C.P., which provides, if after the State has filed its return . . . Nowhere does it state a Return and motion to dismiss be filed as one pleading. See State v. Barnes, 433 S.C. 399, 859 S.E.<sup>2d</sup> 260 (S.C. 2021)(second para, 5th line), which states in part: "The State filed a Return and a motion to dismiss . . ."; Robertson v. State, 418 S.C. 505, 795 S.E.<sup>2d</sup> 29(S.C. 2016).

On page 510, it states: "The State filed a Return and a motion to dismiss. . ." Title 17-27-20, of the South Carolina Code of Law, provides in part that the State shall respond by answer, section (B) gives the time to file summary of dismissal. Title 17-27-20(a) provides, upon receipt of the application, the State respond to the application in the form of a Return, and this section also states, "the State may also at that time file a motion to dismiss the application. . ."

Based on the foregoing error by the State, for which I am prejudice, and have not the time to respond, Appellant request an hearing because his plea counsel's advice to plead guilty was because the State had pictures of his involvement in the said crime, and after Appellant received the discovery there were no pictures, and I am now prejudice thereby that there is a reasonable probability but for counsel's unprofessional advice I would not have plead guilty, but insist on going to trial. Roberson v. State, 422 S.C. 78, 810 S.E.<sup>2d</sup> 32 (S.C.2018).

**CONCLUSION**

Appellant prays that this Court grant him a hearing.

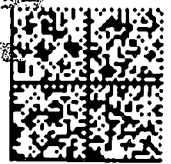
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Patricia A. Howard, Clerk of Court  
Supreme Court of South Carolina  
P.O. Box 11380  
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**RIDGELAND CORRECTIONAL  
INSTITUTION**

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