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ATTORNEYS AT LAW

April 7, 2025

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S.C. SUPREME COURT

The Honorable Patricia A. Howard
Clerk of the South Carolina Supreme Court
Post Office Box 11330
Columbia, SC 29211

Re: Jaquese Hyatt v. State of South Carolina
Appellate case No. 2025-000388

Dear Ms. Howard:

As to an explanation of why the Order of Dismissal was improper as required pursuant to Rule 243(c), SCACR, Mr. Hyatt testified that he was not afforded appellate review of his initial PCR hearing because the action was dismissed without his consent. Appellate case No. 2021-000296 was dismissed for failure to comply with Rule 243(d), SCACR, by Order dated October 6, 2021. While Mr. Hyatt dismissed his PCR attorney, it was not his intention to have his appeal dismissed and be forced to proceed unrepresented by appellate counsel. Mr. Hyatt was not appraised of the dangers of proceeding without representation and was left without an appeal of his initial timely-filed PCR action. The procedural "bite of the apple" includes an "applicant's right to appeal the denial of a PCR application, and the right to assistance of counsel in that appeal." *Odom v. State*, 337 S.C. 256, 261, 523 S.E.2d 753, 755-756 (1999); see also *Aice*, 305 S.C. at 448, 409 S.E.2d at 392.

The undersigned was appointed in this matter and moves to be relieved at this time.

Sincerely,



Susannah Ross
Attorney at Law #11205

cc: Assistant Attorney General Tommy Evans, Jr.
Office of Appellate Defense
Greenville County Clerk of Court
Jaquese Hyatt

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The Supreme Court of South Carolina

Jaquese Kavon Hyatt, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2021-000296

ORDER

Petitioner has failed to serve and file the petition for writ of certiorari and appendix, as required by Rule 243(d) of the South Carolina Appellate Court Rules. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY Patricia A. Howard
CLERK

Columbia, South Carolina
October 6, 2021

cc:
Lillian Loch Meadows, Esquire