



The Supreme Court of South Carolina

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December 05, 2013

Mr. Elliott Hatton, #344029
Perry Correctional Institution
430 Oaklawn Road
Pelzer SC 29669

Re: Elliott Hatton v. State
Appellate Case No. 2013-002469

Dear Mr. Hatton:

As you know, this post-conviction relief case was dismissed as being barred as being successive and as being untimely under the statute of limitations. Your counsel has indicated that he does not have a good faith explanation to submit under Rule 243(c) of the South Carolina Appellate Court Rules. Therefore, under *Dennison v. State*, 371 S.C. 221, 639 S.E.2d 35 (2006), your counsel has advised you that you may submit a *pro se* explanation under Rule 243(c), SCACR.

If a *pro se* explanation is filed, it 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. The failure to make a sufficient showing may result in the dismissal of this matter. Further, the explanation must be filed with this office on or before December 30, 2013.

As to your letter of November 26, 2013, Mr. Ariail is your counsel of record in this matter. The Division of Appellate Defense will not make any

determination about whether it will provide representation in this matter until after an adequate explanation is submitted under Rule 243(c), SCACR.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

cc: R. Mills Ariail, Jr., Esquire
Karen Christine Ratigan, Esquire