



The Supreme Court of South Carolina

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January 22, 2014

Mr. Billy Deon-Andre Hodge, #16945-171
Yazoo City Medium FCI
2225 Haley Barbour Parkway
Yazoo City, MS 39194

Re: Billy Deon-Andre Hodge v. State
Appellate Case No. 2013-002763
Lower Court Case No. 2012-CP-23-03900

Dear Mr. Hodge:

Except for the allegation seeking a belated direct appeal under *White v. State*,¹ the PCR judge determined that this action is barred by the statute of limitations. If this ruling on the statute of limitations is to be challenged on appeal, then Rule 243(c) of the South Carolina Appellate Court Rules requires 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 her letter of January 14, 2014, that she does not have a good faith explanation to submit, you may submit a *pro se* explanation under Rule 243(c). *Dennison v. State*, 371 S.C. 221, 639 S.E.2d 35 (2006).

As to the *White v. State* claim, even if it is ultimately determined that you are entitled to a belated appeal from your guilty pleas, you would have to "provide a

¹ 263 S.C. 110, 208 S.E.2d 35 (1974).

written explanation showing that there is an issue which can be reviewed on appeal. This explanation should identify the issue(s) to be raised on appeal and the factual basis for the issue(s) including how the issue(s) was raised below and the ruling of the lower court on that issue(s). If an issue was not raised to and ruled on by the lower court, the explanation shall include argument and citation to legal authority showing how this issue can be reviewed on appeal.” Rule 203(d)(1)(B), SCACR (explanation required when an appeal is taken from a guilty plea, *Alford* plea, or plea of nolo contendere). Since your counsel indicates that she does not have a good faith guilty plea explanation to provide, you may submit a *pro se* explanation under Rule 203(d)(1)(B) to this Court.

If you desire to submit these *pro se* explanations, they must be submitted within twenty (20) days of the date of this letter.

Very truly yours,

A handwritten signature in black ink, appearing to be "D. Ratigan", with a long horizontal line extending to the right.

CLERK

cc: Karen Christine Ratigan, Esquire
Caroline M.W. Horlbeck, Esquire