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March 1, 2014

V. Claire Allen, Deputy Clerk  
South Carolina Clerk of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE:    The State, Respondent v. Tammy Smathers, Appellant  
      Appellate Case No. 2014-000254

Dear Ms. Allen:

I received your letter dated February 19, 2014 on February 24, 2014. Please find enclosed my explanation pursuant to Rule 203(d)(1)B(iv), SCACR. This is not an appeal from a guilty plea.

Please let me know if you need additional information. Thank you very much for your consideration.

Yours truly,

  
James E. Whittle, Jr.

Enclosure

cc:

Robert Michael Dudek, Esquire

David Warren Miller, Esquire

Salley W. Elliott, Esquire

**RECEIVED**

MAR 06 2014

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM AIKEN COUNTY  
Court of General Sessions

James R. Barber, III, Circuit Court Judge

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Case No. 2012-GS-02-00521  
Appellate Case No. 2014-000254

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The State,

Respondent.

v.

Tammy Smathers,

Appellant.

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EXPLANATION PURSUANT TO RULE 203(d)(1)B(iv), SCACR

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This is not an appeal from a guilty plea, an *Alford* plea or a plea of *nolo contendere*. As stated in the Notice of Appeal, this is an appeal from the lower court's denial of the Appellant's motion for reconsideration regarding sentence and parole eligibility. The motion for reconsideration of the sentence and a request for parole eligibility was timely filed and heard in open court. This appeal is from the lower court's written order denying the relief sought.

South Carolina Code of Laws Ann. Section 16-25-90 allows parole eligibility after the service of one-fourth of an inmate's time if that inmate pled guilty to an offense against a household member who had a history of criminal domestic violence against the inmate. The inmate must show "credible evidence of a history of criminal domestic violence suffered at the hands of the household member." It is the Appellant's position that the record below contains substantial credible evidence of criminal domestic violence at the hands of the household member.


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MAR 06 2014

**SC Court of Appeals**

This Court has addressed this issue in State v. Hawes, 399 S.C. 211, 730 S.E.2d 904 (Ct.App.2012) and State v. Blackwell-Selim, 392 S.C. 1, 707 S.E.2d 426 (2011). It is an appealable issue.

March 1, 2014



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