



# The Supreme Court of South Carolina

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September 22, 2014

Ms. Caroline M.W. Horlbeck, Esquire  
101 Whitsett Street  
Greenville SC 29601

Re: Johnny Randy Hitt v. State  
Appellate Case No. 2014-001873

Dear Counsel:

This responds to your letter dated September 18, 2014. This letter does not comply with the requirements of *Dennison v. State*, 371 S.C. 221, (2006).<sup>1</sup>

Therefore, it will be necessary for you to send this Court and your client a revised letter that clearly indicates to petitioner that he may file with this Court a *pro se* explanation under Rule 243(c), SCAC, and/or a *pro se* explanation under Rule 203(d)(1)(B), SCACR. This letter should also advise him that any *pro se* explanation must be submitted within twenty (20) days of the date of that letter.

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<sup>1</sup> "[I]f counsel does not have a good faith explanation to provide pursuant to [Rule 243], counsel shall provide the Court with a letter stating that as an officer of the Court, counsel is unable set forth any arguable basis for asserting the determination by the PCR judge that the PCR application was successive and barred by the statute of limitations was improper. *Counsel shall further advise the petitioner by copy of the letter that the petitioner should notify the Court, no later than twenty (20) days from the date of the letter, of any arguable basis the petitioner may wish to assert that the determination that the PCR application was successive and barred by the limitations was improper.*" (emphasis added).

This revised letter should be sent within ten (10) days of the date of this letter.

Very truly yours,

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

CLERK

cc: Karen Christine Ratigan, Esquire