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February 6, 2017

The Supreme Court of South Carolina
Attention: The Honorable Daniel E. Shearouse
Post Office Box 11330
Columbia, SC 29211

RE: *Samuel Earl Jeter #00344686 v. State of South Carolina*
Case No.: 2017-000116

Dear Mr. Shearouse:

Pursuant to Rule 243(c), please consider this my explanation as to why the Circuit Court's determination was improper.

A PCR application must be filed within one year of the date of conviction, or if the conviction and sentence was appealed, within one year after sending of the Remittitur to the lower court from the dismissal of the appeal. S.C. Code Ann. Section 17-27-45. To waive a direct appeal, a defendant must make a knowing and intelligent decision not to pursue the appeal. *Wilson v. State*, 348 S.C. 215, 559 S.E.2d 581 (2002) (citing *Davis v. State*, 288 S.C. 290 342 S.E.2d 60 (1986)). Samuel Jeter represented himself for the majority of the latter portion of his trial. Based on the transcript, Mr. Jeter was never advised that he had a right to appeal his conviction. Accordingly, he did not make a knowing and intelligent decision not to pursue the appeal.

By copy of this letter, I am also serving the Respondent's counsel and the petitioner.

If you have any questions concerning this matter, please do not hesitate to contact me at (803) 818-5700.

With kind regards, I am

Yours very truly,

A handwritten signature in black ink, appearing to read 'Beth Ramsey Faulkner'.

Beth Ramsey Faulkner
Attorney

BRF/tsh

RECEIVED

FEB 09 2017

S.C. SUPREME COURT

cc: Justin J. Hunter, Esq.
Samuel Earl Jeter

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**APPEAL FROM UNION COUNTY
COURT OF COMMON PLEAS**

ROGER L. COUCH, CIRCUIT COURT JUDGE

2017-000116

**Samuel Earl Jeter
Appellant**

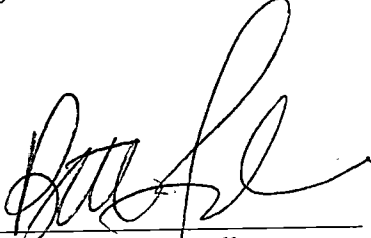
vs.

**State of South Carolina
Respondent**

PROOF OF SERVICE

I certify that I have served the explanation required by Rule 243(c) by depositing a copy of it in the United States Mail, postage prepaid on February 6, 2017 addressed to the attorney of records, Justin J. Hunter, Esq., PO Box 11549, Columbia, South Carolina, 29211 and the petitioner, Samuel Earl Jeter, Jeter #00344686, c/o Kirkland Correctional Institution, 4344 Broad River Road, Columbia, South Carolina, 29210

February 6, 2017
York, South Carolina


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