



The Supreme Court of South Carolina

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December 19, 2012

Joseph Ransom Barker, Esquire
PO Drawer 3
Hilton Head Island SC 29938-0003

Re: Taquan Montford v. State
Appellate Case No. 2012-213523

Dear Counsel:

This Court has received your notice of appeal. Except for the allegation seeking a belated direct appeal under *White v. State*, the PCR judge determined that this action is barred by the statute of limitations. You have submitted an explanation under Rule 243(c), SCACR, which solely addresses the denial of the right to a direct appeal. That claim, is of course, not subject to the statute of limitations. *Wilson v. State*, 348 S.C. 215, 559 S.E.2d 581 (2002).

As to the *White v. State* claim, the PCR judge determined that petitioner was not entitled to a belated direct appeal from his guilty plea. However, even if petitioner were ultimately to prevail on this issue, the most he would receive would be a belated appeal and in that appeal petitioner would have to "provide a 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). Therefore, I ask that you please provide the explanation required for a guilty plea appeal.¹

The explanation should be served and filed within fifteen (15) days of the date of this letter.

Very truly yours,

A handwritten signature in black ink, appearing to be a stylized name, possibly "D. R. Wilson", written over a horizontal line.

CLERK

cc: Ashleigh Rayanna Wilson, Esquire

¹ In the event you determine that you do not have a good faith explanation to provide, I would recommend that you follow a procedure similar to that provided for in Dennison v. State, 371 S.C. 221, 639 S.E.2d 35 (2006), for the explanation required by Rule 243(c), SCACR. This will give the petitioner an opportunity to provide a pro se explanation for allowing an appeal from the guilty plea.