



The Supreme Court of South Carolina

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CLERK OF COURT

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October 16, 2018

Lance S. Boozer, Esquire
1419 Pendleton Street
Columbia SC 29201

Re: Arthur Niles v. State
Appellate Case No. 2018-001837
Lower Court Case No. 2016CP4500345

Dear Counsel:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/HTMLFiles/2007-08-13-02.htm. Please note that the responsibility for insuring that information is redacted

or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

While you have submitted a response under *Dennison v. State*, 371 S.C. 221, 639 S.E.2d 35 (2006), regarding the statute of limitations, this case apparently involves a claim seeking a belated direct appeal (*see White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974)). While the PCR judge determined that petitioner is not entitled to a belated appeal, even if your client were to prevail on this issue, the most he would receive would be a belated appeal from his guilty plea, and, in such an 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)(iv), 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 an appeal from a guilty plea.¹ This explanation should be provided within fifteen (15) days of this letter.

Very truly yours,



CLERK

cc: Julie Amanda Coleman, 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, supra*, 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.