

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

January 06, 2020

Mr. Rico Washington, #331437
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210

Re: Rico J. Washington v. State
Appellate Case No. 2020-000011
Lower Court Case No. 2017CP4202156

Dear Mr. Washington:

While I can find no record of this Court receiving the notice of appeal dated July 29, 2019, prior to today, this Court has now received a copy of this notice of appeal from the Office of the Attorney General. In addition, this Court has also obtained a copy of the conditional order of dismissal and the final order of dismissal issued in this case from the public case index in Spartanburg Court.

This notice of appeal 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/displayOrder.cfm?orderNo=2014-04-15-02. 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.

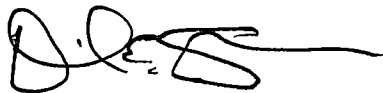
For this matter to proceed, you will need to provide this Court with a proof of service showing that a copy of the notice of appeal has been served on the counsel for the State. This proof of service must be provided within fifteen (15) days of the date of this letter. For your convenience, I have enclosed a sample proof of service.

Except for the claim seeking a belated direct appeal under *White v. State*, the PCR judge determined all other claims are barred by the statute of limitations. If this ruling on the statute of limitations is to be challenged on appeal, then Rule 243(c), SCACR, requires you to provide a written explanation as to why this determination was improper. This explanation must contain sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper. This Rule 243(c) explanation should be provided within fifteen (15) days of the date of this letter.

As to the *White v. State* claim, the PCR judge determined that you are not entitled to a belated direct appeal. However, even if you were ultimately to prevail on this issue, the most you would receive would be a belated appeal from your guilty plea and in that appeal you 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

a guilty plea appeal 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 followed by a long horizontal flourish.

CLERK

Enclosure (Sample Proof of Service of Notice of Appeal)

cc: Johnny E. James, Jr., Esquire

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

George E. Brown, Circuit Court Judge

Case No. 2000-CP-00-0000

Stephen L. Doe, as Personal Representative of the Estate of John B. Doe,	Respondent,
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v.

Jane C. Roe,	Appellant.
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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Stephen L. Doe by depositing a copy of it in the United States Mail, postage prepaid, on September 15, 2000, addressed to his attorney of record, Mary P. Jones, Post Office Box 456, Greenville, South Carolina 29000 [by personally delivering a copy of it to his attorney of record, Mary P. Jones, at her office at 123 Oak Street, Greenville, South Carolina 29000, on September 15, 2000].

September 15, 2000

s/ John E. Smith
John E. Smith
Post Office Box 123
Greenville, South Carolina 29000
(864) 000-000-0000
Attorney for Appellant