

**Matthew P. Head**  
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**RECEIVED**

APR 17 2013

S.C. Supreme Court

April 15, 2013

Hon. Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
PO Box 11330  
Columbia, SC 29211

**RECEIVED**

APR 17 2013

S.C. SUPREME COURT

Re: Tiffany Diane Elmore v. State  
Appellate C/A No.: 2013-000658

Dear Mr. Shearouse:

I am writing in response to your letter dated April 1, 2013 that I received on April 3, 2013 concerning the notice of appeal which I filed on behalf of Ms. Elmore. Your letter requested explanations in the two areas addressed below.

The first pertains to the challenge of the determination of the PCR judge that the PCR action is barred by the statute of limitations. Upon my further review of the matter, including the Order being appealed, the PCR Statute, my file, Rule 243(c), and *Dennison v. State*, 371 S.C. 221, 639 S.E.2d 35 (2006), I have concluded that it is my duty as an officer of the Court to advise the Court that I am unable to set forth a good faith arguable basis with citation to authority and facts for asserting that the determination by the PCR judge was improper. Accordingly, I am serving a copy of this letter on Ms. Elmore. Ms. Elmore is hereby notified that she has twenty (20) days from the date of the letter (April 15, 2013) to file a *pro se* explanation as to why she believes that the determination by the PCR judge was improper.

The second pertains to the *White v. State* claim for a belated direct appeal. Your letter requested an explanation showing that there is an issue which can be reviewed on appeal. If Ms. Elmore were to have a belated direct appeal from her guilty plea she would likely raise the issue that her guilty plea was rendered involuntary due to ineffective assistance of counsel. She would likely assert that she entered into the plea because of the promise from her trial attorney that she would receive probation in return for her plea. She may also seek to raise issues of failure to suppress evidence, violation of Miranda rights, and allowing self-incrimination. After reviewing the matter, including my file, the plea transcript, Rule 203(d)(1)(B), and what I believe to be the relevant case law, I have concluded that as an officer of the Court I am unable to offer a good faith explanation required for a guilty plea appeal. I have enclosed a copy of the plea transcript with this letter. In accordance with *Dennison*, I am serving a copy of this letter on Ms. Elmore.

Ms. Elmore is hereby notified that she has twenty (20) days from the date of the letter (April 15, 2013) to file a *pro se* explanation showing there is an issue that can be reviewed on belated direct appeal.

Respectfully,

A handwritten signature in black ink, appearing to read 'M. Head', written in a cursive style.

Matthew Head

enc.

Cc: Tiffany Elmore  
Karen Ratigan, Esq. (w/o transcript)

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

W. Jeffrey Young, Circuit Court Judge

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Appellate C/A No.: 2013-000658

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Tiffany Diane Elmore, S.C.D.C. No. 312487 .....Petitioner,  
v.  
State of South Carolina .....Respondent.

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PROOF OF SERVICE

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I certify that I have served a copy of the letter of Matthew Head dated April 15, 2013 responding to the letter of the Honorable Daniel E. Shearouse dated April 1, 2013 by depositing a copy of it in the United States Mail, with sufficient postage, on April 15, 2013, addressed as follows:

Tiffany Diane Elmore  
SCDC # 312487  
Leath Correctional  
2809 Airport Rd.  
Greenwood, SC 29649

**RECEIVED**

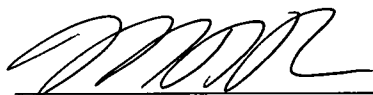
APR 17 2013

Karen Ratigan  
SC Attorney General's Office  
PO Box 11549  
Columbia, SC 29211  
ATTORNEY FOR RESPONDENT

S.C. SUPREME COURT

[Signature on following page]

April 15, 2013



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