

State of South Carolina
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY
Governor



KELA E. THOMAS
Director

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June 11, 2013

The Honorable Jenny Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
JUN 14 2013
SC Court of Appeals

Re: State v. Louis Charles Jenkins

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the *Return to Motion to Reinstate*, dated June 11, 2013, along with proof of service in the above-referenced case.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew C. Buchanan".

Matthew C. Buchanan
General Counsel

Enclosures

cc: Louis Charles Jenkins

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SUMTER COUNTY
The Honorable George C. James, Jr., Circuit Court Judge
Appellate Case No. 12-210146
Trial Case No.: 06-GS-43-00078, 00400

RECEIVED
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SC Court of Appeals

THE STATE, RESPONDENT

v.

LOUIS CHARLES JENKINS, #313523, APPELLANT

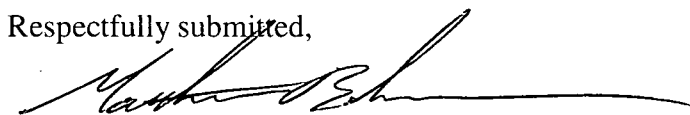
RETURN TO MOTION TO REINSTATE

Comes now, Matthew C. Buchanan, General Counsel, on behalf of the Respondent, and respectfully requests that Appellant's Motion to Reinstate Appeal be denied and dismissed. In an Order dated January 7, 2013, this Court dismissed this Appeal due to Appellant's request to withdraw his appeal as part of a plea offer from the Sumter County Solicitor's Office. In his Motion to Reinstate, the Appellant argues that this notice to withdraw was submitted without the Appellant's full knowledge of the ramifications of the withdrawal. Respondent disagrees as the Appellant was represented by counsel and the notice to withdraw his appeal was submitted with the advice of counsel. To the extent that the indictment numbers listed on the original Notice of Appeal were incorrect, it does appear that the correct indictment should be 05-43-GS-00055. Appellant was convicted in 06-GS-43-0078 and 06-GS-43-0400 to a sentence of five (5) years

imprisonment to be served concurrent to 05-GS-43-0055, in which Appellant received a sentence of fifteen (15) years imprisonment suspended to five (5) years and three (3) years probation. Therefore, the sentences in the indictment numbers listed on the original notice of appeal had already been satisfied and the correct indictment number should be 05-GS-43-0055.

Furthermore, when a remittitur has been properly sent down, this Court has no jurisdiction in the matter. Thomas v. Lynch, 87 S.C. 44, 68 S.E. 87 (1910); State v. Keels, 39 S.C. 553, 17 S.E. 802 (1893). The only exception to this rule is when the remittitur was sent to the lower court through some mistake or inadvertence on the part of the court or its officers. Milhous v. Sally, 34 S.C. 318, 21 S.E. 885 (1895); Keels, supra. Here, Appellant has failed to show the remittitur was sent down due to a mistake or inadvertence on the part of the court or its officers. Therefore, the Department respectfully asks that Appellant's Motion to Reinstate be denied and dismissed.

Respectfully submitted,



Matthew C. Buchanan
General Counsel

Attorney for the Respondent

South Carolina Department of Probation,
Parole, and Pardon Services
2221 Devine Street, Suite 600
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Columbia, South Carolina 29250
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Columbia, South Carolina
June 11, 2013

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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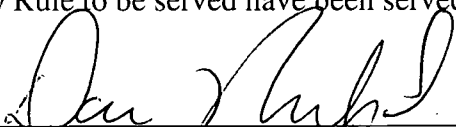
LOUIS CHARLES JENKINS, #313523, APPELLANT

CERTIFICATE OF SERVICE

I, Dawn K. Nichols, Executive Administrative Assistant, certify that I have served the within Return to Motion to Reinstate, dated June 11, 2013, on Appellant by depositing a copy of the same in the United States mail, postage prepaid, this 11th day of June, 2013, addressed to:

Louis Jenkins, #313523
Ridgeland Correctional Institution-GB-04
P.O. Box 2039
Ridgeland, South Carolina 29936-2039

I further certify that all parties required by Rule to be served have been served.



Dawn K. Nichols
Executive Administrative Assistant


State of South Carolina

Department of Probation, Parole, and Pardon Services

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COLUMBIA, SOUTH CAROLINA 29250

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