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Feb 24 2023

S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

February 24, 2023

VIA ELECTRONIC FILING

The Honorable Patricia A. Howard
Clerk of Court
South Carolina Supreme Court
P.O. Box 11330
Columbia, SC 29211

Re: Stanley Moultrie v. State
Appellate Case No. 2022-001326

Dear Ms. Howard:

I am in receipt of the Petition for Writ of Certiorari in the above-captioned case. Please accept this letter in lieu of a formal return to the Austin v. State petition. Respondent does not object to any of the facts or arguments set forth in the petition. At the PCR evidentiary hearing, PCR counsel testified that any failure to appeal from the PCR action was the fault of counsel and was not an indication of Applicant's decision to waive his right to an appeal¹. (Order Granting Belated Appeal Pursuant to Austin v. State pg. 5) Therefore, Respondent does not dispute the Honorable Kristi F. Curtis's decision to grant a belated Austin v. State appeal from the denial of Petitioner's first PCR application by the Honorable William H. Seals, Jr.

If a formal brief is required on that matter, Respondent requests an opportunity to brief the issues as requested by the Court. Along with this letter, I am electronically filing the return to petition for writ of certiorari pursuant to Austin v. State that discusses the material issues in this appeal.

Sincerely,

Ambree M. Muller
Assistant Attorney General

cc: Ranee Saunders, Esquire (*via email*)
Elizabeth Franklin-Best, Esquire (*via email*)

¹ It appears there was a second PCR hearing where this information came from that was not included in the appendix.