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May 05 2023
SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

May 5, 2023

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

RE: State v. Diana B. Jordan
Appellate Case No: 2023-000090

Dear Ms. Kitchings,

The State is in receipt of Appellant's Motion to Overturn Conviction and Remand to Municipal Court for Preliminary Hearing Based on Newly Discovered Evidence and Petition for Hearing En Banc. Please accept this letter in lieu of a formal return. Appellant has provided no basis for this Court to overturn the lawfully entered conviction and sentence of the circuit court. Her claim of after-discovered evidence appears to relate to the manner in which Attorney General Wilson signs indictments. This is not newly discovered evidence, but something clearly able to be determined with due diligence at the time of her trial. Finally, the indictment is not a jurisdictional document, but is instead a notice document. The nature of his signature does not impact the requisite notice provided by the indictment and does not implicate subject matter jurisdiction. See e.g., State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005). As a result, this Court should deny her motion and allow this appeal to proceed.

Sincerely,

William M. Blich, Jr.
Senior Assistant Deputy Attorney General
S.C. Bar: 15608

cc: Diana B. Jordan