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ATTORNEY GENERAL

May 16, 2023

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May 16 2023

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
Via E-Mail

Re: *State v. Sebastian D. Kaisk*
Appellate Case No.: 2022-000181

Dear Ms. Kitchings,

Pursuant to Rule 208(b)(7) SCACR, counsel for the Respondent respectfully wishes to call to the Court's attention the following additional authority:

- *State v. Plumer*, Op. No. 28152 (S.C. Sup. Ct. filed April 26, 2023).

The Supreme Court of South Carolina decisively ruled on Appellant's Issue 3 twenty-one days after Respondent submitted its Initial Brief. Appellant's Issue Three: Did the trial court err by sentencing Appellant to a consecutive term of five years imprisonment for possession of a weapon during the commission of a violent crime where the court erroneously found the sentence had to be served consecutively to the sentence imposed for the violent crime since pursuant to S.C. Code Ann. § 16-23-490(B) the court had discretion to order the five-year sentence to be served consecutively or concurrently?

By copy of this letter, I am notifying opposing counsel of the submission of this supplemental authority.

Sincerely,

Julianna E. Battenfield
Assistant Attorney General
Bar No. 103135

cc: Lara Mary Caudy, Esq. – lcaudy@sccid.sc.gov