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S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

June 12, 2023
(via e-filing only)

The Honorable Patricia A. Howard
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

Re: State v. Sammie Stokes
Lower Case No. 98-GS-38-1246
Appellate Case No. 1999-013394
potential capital resentencing proceeding

Dear Ms. Howard:

Please accept this letter as an update in the referenced matter. In the last update, the State advised that in an opinion issued on August 19, 2021, the Fourth Circuit found capital resentencing was warranted. The State also noted that it would be seeking further review. On May 31, 2022, the Supreme Court of the United States granted the State's petition, vacated the Fourth Circuit opinion, and remanded for additional consideration in light of new precedent. *See Stirling v. Stokes*, 142 S.Ct. 2751 (2022). On remand, the Fourth Circuit panel majority, over dissent, reinstated its prior opinion. *Stokes v. Stirling*, 64 F.4th 131 (2023). On June 8, 2023, the district court issued an order providing 365 days in which to begin jury selection. (Attached). The district court noted that "the State will be filing a petition to the United States Supreme Court seeking review of the Fourth Circuit's most recent opinion in this matter." (Attachment, p. 1). The State's petition is currently due to be filed on June 20, 2023. The State will advise if the petition is granted.

The Honorable Paul M. Burch is currently assigned the matter for any State proceedings that may occur and is copied on this correspondence.

Sincerely,

Melody J. Brown
Senior Assistant Deputy Attorney General

cc: Diana Holt, Esq. (email only)(with attachment)

The Honorable Paul M. Burch, Circuit Court Judge
(email only) (with attachment)

The Honorable David M. Pascoe, Solicitor, First Judicial Circuit
(email only) (with attachment)

David L. Osborne, Assistant Solicitor
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