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Aug 02 2023

S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

August 2, 2023

VIA ELECTRONIC FILING

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

Re: Marcus Allison v. State
Appellate Case No. 2022-001520

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. In the Consent Order Vacating the Conditional Order of Dismissal and Granting Relief Pursuant to Austin v. State, the Court found that the Applicant did not knowingly and intelligently waive his right to appeal his initial PCR relief action. As such, Respondent does not dispute the Honorable R. Lawton McIntosh's decision to grant a belated Austin v. State appeal from the denial of Petitioner's first PCR application by the Honorable J. Cordell Maddox, 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,

Jerrod Fussnecker
Assistant Attorney General

cc: William G. Yarborough, III, Esquire (*via email*)