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S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

October 2, 2023

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

RE: State v. Charles Davenport – Appellate Case No. 2023-001541

Dear Ms. Howard:

On today's date, appellate counsel for Petitioner Charles Davenport submitted a petition for a writ of certiorari in the above-referenced criminal appeal. In this matter, appellate jurisdiction ended with the issuance of the remittitur by the Court of Appeals on June 12, 2023. At present, a motion to recall the remittitur, which was filed on September 20, 2023, is currently pending before the Court of Appeals. However, to date, it has not yet been acted upon. Therefore, because no appellate jurisdiction currently exists in Appellant's case due to the issuance of the remittitur, the State believes Petitioner's petition for a writ of certiorari is likely premature at this time. Therefore, unless it receives other directions from this Court, the State intends to wait under these unusual circumstances to submit a return to Petitioner's petition unless and until the motion to recall the remittitur is granted and appellate jurisdiction is restored. Likewise, the State will calendar the due date for the return thirty days from the date the remittitur is recalled in the event Petitioner's pending motion is granted. To the extent it is currently applicable, the State also respectfully asks this Court to hold the timeline for the filing of a return in abeyance pending a ruling from the Court of Appeals on the motion to recall the remittitur. Thank you for your consideration of this request, and please let me know if you have any questions or need any further information.

Sincerely,

Mark R. Farthing
Senior Assistant Deputy Attorney General
S.C. Bar Number 76901

MRF/

cc: Elizabeth A. Franklin-Best, Esquire (via email service)
Victim Advocacy Division