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Nov 27 2023

SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

November 27, 2023

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

Re: Gregory Daniels v. State of South Carolina
Appellate Case No: 2021-001298

Dear Ms. Kitchings:

Please be advised that in compliance with the Court's Order, the attached letter was sent to the Chief Administrative Judge for common pleas.

Sincerely,

s/ Melody J. Brown

Melody J. Brown
Senior Assistant Deputy Attorney General
S.C. Bar No: 14244

MJB/abb

cc: Gregory Daniels, #297449



ALAN WILSON
ATTORNEY GENERAL

November 17, 2023

The Honorable Michael G. Nettles
Chief Administrative Judge
Florence City-County Complex
181 N. Irby Street, Suite 3610
Florence, South Carolina 29501

Re: Gregory Daniels v. State of South Carolina
Case No. 2013-CP-21-0280

Dear Judge Nettles:

I have been directed by the Court of Appeals to provide a copy of the attached order remanding Mr. Daniels' action to the circuit court. The State moved to vacate the prior order and dismiss the appeal. I am also attaching a copy of that motion. In essence, the State asserted that the motion was construed as a general session new trial motion. The PCR court's authority to act had ended in general with the conclusion of the 2013 PCR, and further, the motion, being construed as a general sessions motion, should not have been acted upon in common pleas. The Court of Appeals granted the motion and directed the motion be construed as a new trial motion under S.C. Code Ann § 17-27-40(A)(4). The Court further provided in the Order:

Respondent argues that the grounds offered in support of a new trial were either raised in appellant's previous case seeking post-conviction relief or where available at the time of that action. The circuit court is better positioned to conduct whatever proceedings, if any, it deems necessary and evaluate that argument.

(COA Order, Nov. 17, 2023).

I am, by this communication, complying with the Court's direction.

Kind regards,

Melody J. Brown
Senior Assistant Deputy Attorney General

MJB/abb

Enclosure: Motion to Vacate and Dismiss
SC Court of Appeal's November 17, 2023 Order

cc: Gregory Daniels, #297449
Russ Barlow, Assistant Attorney General