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SC Court of Appeals



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January 25, 2024

**VIA EMAIL**

The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
Catherine Harrison, Deputy Clerk  
Post Office Box 11629  
Columbia, SC 29211

Re: Nathaniel Mitchell v. State  
Appellate Case No. 2019-000069

Dear Ms. Kitchings and Ms. Harrsion:

I received an email dated January 24, 2024, indicating that my client, Mr. Nathaniel Mitchell, may have been released from incarceration and asking me to confirm if there are any issues remaining for the Court to decide. I confirm that Mr. Mitchell is no longer in custody and there are important issues remaining for the Court to decide. I communicated with my client in April of last year when he notified me that he had been released from prison and provided me with his new address. I will be happy to provide his new address to the Court, if requested.

Mr. Mitchell was convicted of homicide by child abuse and received a twenty-five (25) year sentence. Mr. Mitchell is seeking a reversal of the conviction and a new trial based on ineffective assistance of counsel. The PCR court found ineffective assistance of counsel but failed to find resulting prejudice. Counsel submits the PCR court erred in refusing to find prejudice. On January 5, 2022, this Court granted the petition for writ of certiorari as to issues two and three presented in the petition. Briefs were filed by both sides. Notification for possible oral argument during the February term was sent on October 11, 2023.

Pursuant to Brown v. State, 423 S.C. 56, 814 S.E.2d 146, (2018), counsel respectfully submits that the fact that my client has been released from custody does not deprive him of the ability to seek post-conviction relief on appeal, as argued in the briefs. Counsel respectfully submits that the issues raised in this appeal are meritorious and should result in the reversal of this wrongful and very serious conviction.

Thank you for allowing me to bring this to your attention. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Kathrine H. Hudgins  
Appellate Defender

KHH/cws

cc: Joshua A. Edwards, Assistant Attorney General