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**Mar 11 2024**  
S.C. SUPREME COURT

ALAN WILSON  
ATTORNEY GENERAL

March 11, 2024

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

RE: Brian Foster v. State – Appellate Case No. 2023-000724

Dear Ms. Howard:

On October 3, 2023, Brian Foster, the petitioner in the above-referenced case, filed a Petition for Writ of Certiorari solely seeking affirmance of the post-conviction relief judge's order granting him belated appellate review pursuant to White v. State, 263 S.C 110, 208 S.E.2d 35 (1974). On that same date, Foster also filed a Brief of Petitioner Pursuant to White v. State raising a direct appeal issue.

Because the State did not contest the granting of belated appellate review during the post-conviction relief proceedings, the State will not be contesting that particular matter on appeal. Therefore, please accept this letter in lieu of a formal return to Foster's Petition for Writ of Certiorari. However, in the event this Court desires a formal return to the petition, undersigned counsel is fully prepared to promptly provide one upon request.

Additionally, the State intends to respond to the substantive issue raised in the Brief of Petitioner Pursuant to White v. State. Accordingly, the State is contemporaneously filing the Brief of Respondent Pursuant to White v. State along with this letter.

Sincerely,

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

MRF/

cc: Sarah E. Shipe, Esquire  
Victim Advocacy Division