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S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

April 22, 2024

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

Re: Henry Dukes v. State of South Carolina
Appellate Case No. 2023-000522

Dear Ms. Howard:

On November 13, 2023, Petitioner Henry Dukes filed a Petition for Writ of Certiorari solely seeking affirmance of the post-conviction relief (PCR) judge's order granting him belated appellate review pursuant to Austin v. State, 305 S.C. 453, 404 S.E.2d 396 (1991), of an order dismissing a previous PCR petition filed by Petitioner. Petitioner simultaneously filed a Petition for Writ of Certiorari Pursuant to Austin v. State raising two direct appeal issues.

During the underlying PCR proceeding, the State conceded Petitioner was entitled to a belated direct appeal related to his previous PCR proceeding, and the State will not contest that issue on appeal. Therefore, please accept this letter in lieu of a formal return to Petitioner's Petition for Writ of Certiorari. If the Court desires a formal return, the undersigned is prepared to promptly provide one.

Simultaneous with this letter, the State is submitting a Return to the substantive issues in the Petition for Writ of Certiorari Pursuant to Austin v. State.

Sincerely,

Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

cc: Joanna K. Delany, Assistant Appellate Defender
Victim Advocacy Division