



ALAN WILSON
ATTORNEY GENERAL

August 23, 2013

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

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SC Court of Appeals

RE: Ricardo Johnson v. State of South Carolina
Appellate Case No. 2008-100491
Lower Court Case No. 2007-CP-38-0740

Dear Ms. Kitchings:

In response to your letter of August 22, please accept this letter in reply. Due to the discovery that no additional transcript was made and that I believe the most likely scenario in this matter was that counsel for the State later consented to review pursuant to Austin v. State, I withdraw the State's Return to Petition for Writ of Certiorari pursuant to Austin v. State.

As such, please accept this letter in lieu of a formal Return in this case. The Respondent takes no position on whether or not the Circuit Court's grant of a belated review pursuant to Austin v. State was proper, but rather submits that this is a matter for the sound discretion of this Court.

If there are any questions or comments, please do not hesitate to contact me at any time.

Sincerely,

Mary S. Williams
Assistant Deputy Attorney General
SC Bar No. 76192

MW/ck

cc: Breen Richard Stevens, Esquire
Benjamin John Tripp, Esquire