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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

July 22, 2024

The Honorable Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201
ctappfilings@sccourts.org

RE: *State v. Richard Alexander Murdaugh – 2024-000576*
Letter Return on Appellant's Motion for Certification Under Rule 204(b).

Dear Ms. Kitchings:

On July 10, 2024, the Respondent State of South Carolina received a Motion for Certification under SCACR Rule 204(b) of the appeal from the denial of a motion for new trial filed in the South Carolina Court of Appeals but captioned in the South Carolina Supreme Court. The motion includes a brief summary of Appellant Murdaugh's potential position on the merits in the appeal, which we are not taking a position on at this time and will address the assertions on the merits in the briefs in the appeal. However, we recognize it is in the discretion of the Supreme Court to accept any case in its appellate jurisdiction for any reason "the court considers appropriate." S.C. Code § 14-8-210 (b) ("Certification is appropriate where the case involves an issue of significant public interest or a legal principle of major importance, or in other cases the court considers appropriate."); S.C. Code § 14-3-330 (Supreme Court has appellate jurisdiction over criminal case matters "brought there by original process or removed there from any inferior court or jurisdiction..."). Also, SCACR Rule 204(b) (same).

Importantly should this Court or the Supreme Court deem certification appropriate on 2024-000576, it would necessarily follow that certification and consolidation would additionally be appropriate under SCACR Rule 214 on the underlying murder appeal – *State v Murdaugh* 2023-000392. That matter is presently pending before the South Carolina Court of Appeals with the Initial Brief of Appellant due August 12, 2024 arising from the same judgment of conviction. As noted this also is subject to this Court's discretion should certification be granted or occur. For the Court's information, the State consented to the Appellant's request today to stay briefing in each of these cases pending a decision of the Appellant's motion to certify.

Thank you very much, and, if you should have any questions or concerns or if a more formal return is desired, please do not hesitate to contact me.

Sincerely,

Donald J. Zelenka
Deputy Attorney General
S.C. Bar Number 5758

cc: Honorable Patricia A. Howard, Clerk of the South Carolina Supreme Court
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