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S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

August 28, 2024

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

RE: Antonio Simmons v. State – Appellate Case No. 2023-001091

Dear Ms. Howard:

On March 15, 2024, Antonio Simmons, the petitioner in the above-referenced case, filed a Petition for Writ of Certiorari solely seeking affirmance of the second post-conviction relief judge's order granting him belated appellate review pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). On that same date, Simmons filed a Petition for Writ of Certiorari Pursuant to Austin v. State raising an issue related to his first post-conviction relief action.

Because the State did not contest the granting of belated appellate review during the second post-conviction relief proceedings, the State will not be contesting that particular matter now on appeal. Therefore, please accept this letter in lieu of a formal return to Simmons'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 Petition for Writ of Certiorari Pursuant to Austin v. State. Accordingly, the State is contemporaneously filing the Return to Petition for Writ of Certiorari Pursuant to Austin v. State along with this letter.

Sincerely,

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

MRF/

cc: Kathrine Haggard Hudgins, Esquire
Victim Advocacy Division