

State of South Carolina
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY
Governor



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RECEIVED

September 12, 2013

SEP 16 2013

Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
P.O. Box 11330
Columbia, South Carolina, 29211

S.C. SUPREME COURT

Re: State v. Edward Twyman
Appellate Case No. 2012-212366

Dear Mr. Shearouse:

The State believes the issue raised in this matter is appropriate for a writ of certiorari by the Supreme Court because the mistake of the Court of Appeals is capable of repetition but evading review.

It is undisputed that the respondent has served his sentence in its entirety. However, the State's argument for further review in this case stems from the position that the Court of Appeals mis-applied the standard of review for Community Supervision revocation hearings. As stated in its argument, the State contends that the Court of Appeals acknowledged that the trial court should not be reversed unless the Appellant has shown an abuse of discretion. Then the Court of Appeals incorrectly reversed the trial court's discretion without a showing of abuse.

The State believes that if this case were rendered moot because the respondent has served his sentence, the Court of Appeals may continue to incorrectly apply the standard of review for Community Supervision revocation hearings. This matter is therefore proper for a writ of certiorari on this ground.

For the above-stated reasons and those within the Argument dated June 27, 2012, the State respectfully requests the Court grant the Petition for a Writ of Certiorari.

Please also note that Mr. J. Benjamin Aplin is now employed with the S.C. Office of the Attorney General, and all correspondence regarding this matter be directed to myself.

Thank you for your consideration. I remain

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew C. Buchanan", written over a horizontal line.

Matthew C. Buchanan
General Counsel

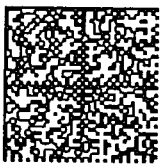
cc: Benjamin John Tripp, Esquire

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