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Dec 15 2025

SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

December 15, 2025

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

RE: State v. Samuel Scott Horton – Appellate Case No. 2024-001760

Dear Ms. Kitchings:

The criminal appeal initiated by the appellant, Samuel Scott Horton, in the above-referenced matter is currently pending before this Court. On June 9, 2025, Horton’s appellate counsel submitted a brief pursuant to Anders v. California, 368 U.S. 738 (1967), along with a petition to be relieved. Horton did not file his own brief following notice of the Anders filing. On November 26, 2025, this Court—after reviewing the matter—issued an unpublished opinion dismissing Horton’s appeal and granting appellate counsel’s petition to be relieved. State v. Horton, Op. No. 2025-UP-389 (S.C. Ct. App. filed Nov. 26, 2025).

On December 4, 2025, Horton—through appellate counsel—filed a motion entitled “Petition to Withdraw Anders Brief and Substitute Merit Brief to Reflect Rule 203, SCACR, Explanation Submitted and Granted.” Through that motion, Horton asks this Court to grant him leave to withdraw the previously-submitted Anders brief and file a merits brief in its place through which he intends to raise an issue related to his sentence. Notably though, in seeking such relief, Horton does not acknowledge this Court has already issued an opinion in his case, does not explicitly seek rehearing of that decision, and does not ask for that decision to be withdrawn.

On December 8, 2025, this Court sent a letter asking this State to file a return to Horton’s motion. In doing so, this Court indicated it was construing Horton’s motion as a petition for rehearing. Respectfully, the State asks this Court to please accept this letter in lieu of a formal return.

To the extent Horton’s motion is being construed as seeking rehearing in his case based on his current view a merits brief should have been filed instead of an Anders brief, the State wishes to leave the matter to the sound discretion of this Court. However, if this Court decides such relief would be appropriate, please be advised the State has no objections under the circumstances involved to this Court withdrawing its November 2025 opinion, striking Horton’s

previously-submitted Anders brief, striking appellate counsel's petition to be relieved, and permitting merits briefing to occur in a manner consistent with the mandates of our appellate court rules.

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,

A handwritten signature in blue ink, appearing to read 'Mark R. Farthing', with a stylized flourish at the end.

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

MRF/

cc: Wanda H. Carter, Esq. (via email)  
Victim Advocacy Division