



ALAN WILSON
ATTORNEY GENERAL

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S.C. Supreme Court

July 2, 2012

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of
South Carolina
HAND DELIVERY

Re: Abbeville County School District v. State 93-CP-31-169 - Final brief
Concurrence of State and Governor in Brief of Respondents/ Appellants
Courson and Harrell

Dear Mr. Shearouse:

In lieu of a formal brief in response to the briefs filed pursuant to this Court's Order of May 23, 2012, I would appreciate your accepting this letter as a statement of concurrence of the Respondents State and Governor in the legal arguments in the brief of Respondents Courson and Harrell dated June 11, 2012, except that, because the Governor's predecessor and the State did not appeal the December 29, 2005, and July 12, 2007, Orders of the Honorable Thomas W. Cooper, Jr, Circuit Court Judge, the State and the Governor cannot join in any part of the Courson / Harrell brief requesting reversal of that decision. The State and Governor oppose the legal arguments of Appellants-Respondents in their Supplemental Brief of June 11 and also note that they believe, contrary to the allegations of Appellants-Respondents (Supplemental Brief at p. 31), that every child can learn and learn at high levels.

If you have questions or prefer a more formal filing regarding this position, please let me know. I am mailing and emailing copies of this letter to counsel for the other parties.

Respectfully submitted,

J. Emory Smith, Jr.
Assistant Deputy Attorney General
Counsel for the State and the Governor

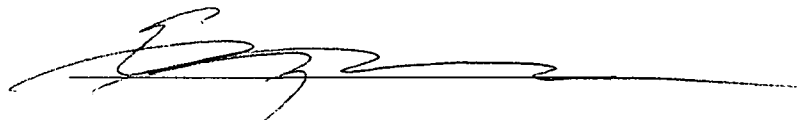
cc: Carl B. Epps, III, Esquire
Stephen G. Morrison, Esquire
Laura Callaway Hart, Esquire
Elizabeth Scott Moise, Esquire
Rachel Atkin Hedley, Esquire
Robert E. Stepp, Esquire

Elizabeth Van Doren Gray, Esquire
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CERTIFICATE OF COMPLIANCE WITH RULE 211 (b)

Although no initial briefs are being filed in this case, I hereby certify that the final letter brief of the State and the Governor complies with Rule 211(b), SCACR.

A handwritten signature in black ink, appearing to read "J. Emory Smith, Jr.", with a long horizontal flourish extending to the right.

J. Emory Smith, Jr.
Assistant Deputy Attorney General