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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

May 28, 2026

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

Re: Stephanie Greene v. State of South Carolina
Appellate Case No. 2023-001934

Dear Ms. Kitchings:

The State is in receipt of Petitioner's May 27, 2026 letter requesting that the Court grant oral argument in this matter. The State takes no position on the Court's ultimate determination regarding oral arguments; however, where Petitioner has taken the extraordinary step of advocating for such, it believes three points are worth noting.

First, while we appreciate Petitioner recognizing that Rule 243(j) controls the decision as to whether oral argument shall be permitted, the specific language of the rule provides: "Oral argument *shall not be permitted* unless ordered by the [appellate] Court." Rule 243(j), SCACR (emphasis added).

Second, upon information and belief, Petitioner has recently been deemed eligible for pardon consideration by the South Carolina Board of Pardons and Paroles pursuant to Section 24-21-950 of the South Carolina Code. S.C. Code Ann. § 24-21-950(A)(4) (2026) ("An inmate must be considered for pardon before a parole eligibility date only when he can produce evidence comprising the most extraordinary circumstances."). Although it is unclear why the Board would have concluded Petitioner's case presents the single most extraordinary circumstances it has ever encountered, it appears it has decided so and that Petitioner is now tentatively scheduled for an actual pardon hearing in October of this year. If that pardon is granted, it would presumably result in Petitioner's immediate release from incarceration, in contravention of the duly imposed sentence of the trial court. S.C. Code Ann. § 24-21-940(A) (2026) ("Pardon" means that an individual is fully pardoned from all the legal consequences of his crime and of his conviction, direct and collateral, including the punishment, whether of

imprisonment, pecuniary penalty or whatever else the law has provided.”). Consequently, it would also render this post-conviction relief case moot.

Third, while the underlying offense and the filing of an Amicus brief make the case factually unusual, the PCR matter itself and the lower court’s decision when considered under the *Strickland* standard of review is anything but, and instead presents a fairly straightforward matter for appellate review.

Sincerely,



J. Benjamin Aplin
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S.C. Bar Number 8729

JBA/ss

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