

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
J. Michael Baxley, Circuit Court Judge

Indictment Nos. 2011-GS-32-0242
2011-GS-32-0243
2011-GS-32-0244

RECEIVED

JAN 06 2014

SC Court of Appeals

EX PARTE:

South Carolina Department of Disabilities
and Special Needs, Appellant.

IN RE:

State of South Carolina, Respondent,

v.

Rocky A. Linkhorn, Respondent.

**RETURN TO MOTION FOR TRANSFER OF CASE
TO SOUTH CAROLINA SUPREME COURT**

Respondent Rocky Linkhorn, by way of return to the appellant's Motion for
Transfer of Case to South Carolina Supreme Court, would show the Court:

Respondent agrees this case should be certified for review by the Supreme Court of South Carolina pursuant to Rule 204(b), SCACR. The appellant's motion incorporates by reference its Petition for Writ of Supersedeas or Stay Pending Appeal, along with supporting memorandum, appendix and affidavits. In agreeing that the case should be certified under Rule 204(b), the respondent in no way adopts or concedes to any factual allegations and/or any legal arguments or conclusions made in those documents.

Respectfully submitted,



Elizabeth C. Fullwood
407 1/2 West Main St.
Lexington SC 29072
(803) 785-8873

Attorney for Respondent Linkhorn

January 6, 2014.

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CERTIFICATE OF SERVICE

The undersigned, Elizabeth C. Fullwood, of the Eleventh Circuit Public Defender's Office, attorney for the respondent Rocky A. Linkhorn, does hereby certify that service of the below listed documents in the above captioned matter was made on all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below addresses clearly indicated on said envelopes this 6th day of January 2014:

1. Return to Petition for Writ of Supersedeas or Stay Pending Appeal.
2. Return to Motion for Transfer of Case to South Carolina Supreme Court

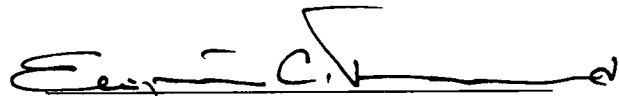
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January 6, 2014

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ROBERT M. MADSEN
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January 6, 2014

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia SC 29211

HAND-DELIVERED

Re: Ex parte: South Carolina Department of Disabilities and Special Needs
In Re: State of South Carolina v. Rocky A. Linkhorn
Appellate Case Number: 2013-002208
Indictment Numbers: 2011-GS-32-0242, 2011-GS-32-0243, 2011-GS-32-0244

Dear Ms. Kitchings:

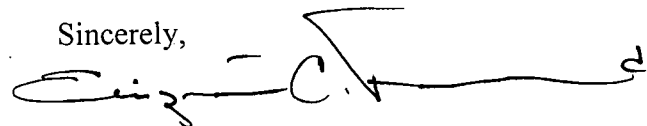
Enclosed for filing are the original and seven (7) copies of the following: (1) Return to Petition for Writ of Supersedeas or Stay Pending Appeal, including an attachment; (2) Return to Motion for Transfer of Case to South Carolina Supreme Court; and (3) a Certificate of Service.

Please file the originals and return a clocked-in copy of each document to me by way of my courier. I am appointed counsel for respondent Rocky A. Linkhorn, who is a criminal defendant. He was found indigent in the circuit court and is currently housed at GeoCare, a secure hospital. He has no assets or income. For this reason, I ask that filing fees be waived.

By copy of this letter, I am serving copies on all counsel of record.

Thanking you in advance for your assistance in this matter, I am,

Sincerely,



Elizabeth C. Fullwood

Enclosures

cc: William H. Davidson, II
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