

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

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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.

**RESPONDENT STATE OF SOUTH CAROLINA'S RETURN TO APPELLANT'S
MOTION FOR TRANSFER OF CASE TO THE SOUTH CAROLINA SUPREME
COURT**

Respondent State of South Carolina hereby submits the following Return to Appellant's Motion for Transfer of Case to the South Carolina Supreme Court.

Pursuant to South Carolina law, certification for review by the Supreme Court is "normally appropriate where the case involves an issue of significant public interest or a legal principle of major importance." *See*, Rule 204(b), SCACR. Respondent State of South Carolina believes that this case involves an issue of significant public interest and

involves legal principles of major importance. Specifically, the Appellant's pattern and practice of opposing involuntary commitment proceedings where criminal defendants, like Respondent Linkhorn, have been determined incompetent to stand trial pursuant to S.C. Code Ann. § 44-23-430 is of significant public interest and involves legal principles of major importance that affect the State of South Carolina, Respondent Linkhorn, and all similarly-situated individuals.

Accordingly, without conceding any argument put forth by the Appellant as support for its motion and reserving all arguments regarding the merits of this case, the Respondent State of South Carolina joins the Appellant in requesting certification of this case for review by the South Carolina Supreme Court pursuant to Rule 204(b), SCACR.

Respectfully submitted,

ALAN M. WILSON
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ROBERT D. COOK
SOLICITOR GENERAL

ADAM L. WHITSETT
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BY: 

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and

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ATTORNEYS FOR THE STATE OF
SOUTH CAROLINA

Columbia, South Carolina
January 6, 2014

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-3200243
2011-GS-32-0244

EX PARTE:

South Carolina Department of Disabilities and Special Needs, Appellant.

IN RE:

State of South Carolina, Respondent,

v.

Rocky A. Linkhorn, Respondent.

CERTIFICATE OF SERVICE

I, the undersigned employee of the South Carolina Attorney General's Office, certify that I have served **Respondent State of South Carolina's Return to Appellant's Petition for Writ of Supersedeas or Stay Pending Appeal** by depositing a copy of it in the United States Mail, postage prepaid, on January 6, 2014, addressed as follows:

Andrew F. Lindemann, Esquire
William H. Davidson, II, Esquire
Davidson & Lindemann, P.A.
Post Office Box 8568
Columbia, South Carolina 29202

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SC Court of Appeals

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Legal Assistant
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ALAN WILSON
ATTORNEY GENERAL

January 6, 2014

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SC Court of Appeals

VIA HAND DELIVERY
The Honorable Jenny Abbott Kitchings
Clerk of The South Carolina
Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29201

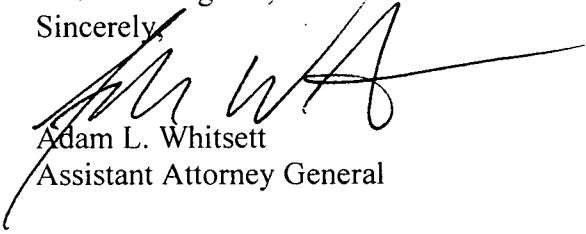
Re: Ex Parte: South Carolina Department of Disabilities and Special Needs
Appellate Case No.: 2013-002208

Dear Clerk of Court:

Enclosed for filing are the original and seven (7) copies of each of the following documents: **Respondent State of South Carolina's Return to Appellant's Motion for Transfer of Case to the South Carolina Supreme Court** and **Respondent State of South Carolina's Return to Appellant's Petition for Writ of Supersedeas or Stay Pending Appeal**. Also enclosed are the original and one (1) copy of the **Certificate of Service** reflecting service of each of these documents on all parties in accordance with Rule 240, SCACR. I would greatly appreciate your filing these documents and returning one (1) filed copy of each to the carrier of these materials.

If you have any questions, please do not hesitate to contact me.

With kind regards, I am
Sincerely,


Adam L. Whitsett
Assistant Attorney General

CC: Andrew F. Lindemann, Esquire
William H. Davidson, II, Esquire
Tana Vanderbilt, Esquire
Elizabeth C. Fullwood, Esquire
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