

THE
SEIBELS
LAW FIRM, P.A.

127 KING STREET, SUITE 100
CHARLESTON, SOUTH CAROLINA 29401

843.722.6777
fax 843.722.6781

January 15, 2014

Daniel E. Shearouse
Clerk of Court
Supreme Court Building
1231 Gervais Street
Columbia, South Carolina 29201

RE: State of South Carolina v. Venancio Diaz Perez
Case No.: 2010-GS-10-07730
Case No.: 2010-GS-10-07731
Appellate Case No.: 2013-000179
Supreme Court Case No.: 2013-002769
File No.: 79-915

Dear Mr. Shearouse:

Enclosed please find the original and six copies of the Appellant's Reply to Respondent's Return to Motion to Verify and Certificate of Service regarding the above referenced matter.

Should you have any questions or require further information, please do not hesitate to contact me.

With kind personal regards I remain

Sincerely yours,

SEIBELS LAW FIRM, P.A.



Erin Magera
Paralegal

/elm
Enclosures

cc: Amie L. Clifford (via US Mail) (w/ encl)
Jenny Abbot Kitchings (via US Mail) (w/ encl)
Robert M. Dudek (via US Mail) (w/ encl)

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JAN 21 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

J. C. Nicholson, Circuit Court Judge

2010-GS-10-07730
2010-GS-10-07731
Court of Appeals Case No. 2013-000179
Supreme Court Case No. 2013-002769

State of South CarolinaRespondent,

v.

Venancio Diaz PerezAppellant.

APPELLANT'S REPLY TO RESPONDENT'S RETURN TO MOTION TO CERTIFY

Jason Scott Luck
jluck@seibelsfirm.com
SEIBELS LAW FIRM, P.A.
127 King Street, Suite 100
Charleston, SC 29401
843.722.6777 (phone)
843.722.6781 (telefax)

and

Robert M. Dudek
rdudek@sccid.sc.gov
S.C. Commission on Indigent Defense
1330 Lady St., Suite 401
Columbia, SC 29201
803.734.1330 (phone)

Attorneys for Appellant

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As a Reply to Respondent's Return, the Appellant would note that the spirited dissents in State v. Wallace, 384 S.C. 428, 683 S.E.2d 275 (2009) and Ard v. Catoe, 372 S.C. 318, 642 S.E.2d 590 (2007) indicate that the issues of law in this appeal are not completely settled. The Appellant would also note in particular that the factors created in Wallace, 372 S.C. at 433-34, for prior bad acts evidence in sexual abuse cases are neither authorized nor contemplated by State v. Lyle, 125 S.C. 406, 118 S.E. 803 (1923). (See Initial Brief p. 6 n. 5) see also Wallace, 384 S.C. at 435-36 (Pleicones, J. dissenting).

The Appellant believes clarification of this matter (and the other matters in its motion) is of "major importance" and is significantly in the public interest. Conviction of a sexual crime creates permanent stigmatizing effects (*e.g.* "sex offender" status) that a conviction for a non-sexual crime lacks. Furthermore, prosecutors frequently introduce prior bad acts evidence in sexual abuse cases. Finally, decisions on the matters in the Appellant's motion (and appeal) will have a wide-ranging effect on other pending sexual abuse cases and future sexual abuse cases.

Dated: 15 January 2014



Jason Scott Luck
jluck@seibelsfirm.com
SEIBELS LAW FIRM, P.A.
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Charleston, SC 29401
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843.722.6781 (telefax)

and

Robert M. Dudek
rdudek@sccid.sc.gov
S.C. Commission on Indigent Defense
1330 Lady St., Suite 401
Columbia, SC 29201
803.734.1330 (phone)

Attorneys for Appellant

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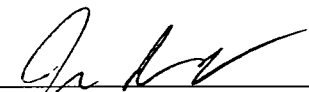
CERTIFICATE OF SERVICE

I certify that I deposited the Appellant's Reply to Respondent's Return in the United States Mail, postage prepaid, on 15 January 2014, addressed to the following (in bold):

Amie L. Clifford
S.C. Atty. General
P.O. Box 11549
Columbia, SC 29211
Attorney for Respondent

Jenny Abbot Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

Daniel Shearouse
Clerk of Court
P.O. Box 11330
Columbia, SC 29211


Jason Scott Luck
jluck@seibelsfirm.com
SEIBELS LAW FIRM, P.A.
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Charleston, SC 29401
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Robert M. Dudek
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S.C. Commission on Indigent Defense
1330 Lady St., Suite 401
Columbia, SC 29201
803.734.1330 (phone)
Attorneys for Appellant

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Dated: 1/15/14

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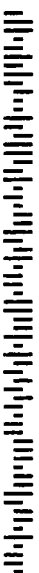
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