



ALAN WILSON
ATTORNEY GENERAL

February 28, 2014

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Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
P. O. Box 11330
Columbia, SC 29211

S.C. SUPREME COURT

Re: Notice of Appeal;
Kenneth Simmons, #5066 v. State of South Carolina;
05-CP-18-1368 (Capital PCR Action).

Dear Mr. Shearouse:

Enclosed for filing please find a notice of appeal in the above-referenced case. Also, attached is a copy of the October 15, 2013 Order of the Honorable Doyet A. Early, III, vacating the sentence of death, and the Order of January 22, 2014, denying the State's motion to alter or amend, which we are appealing. I have also attached a certificate of service for filing in your office.

By copy of this letter, we are serving opposing counsel with this Notice today as well as forwarding a copy to the Clerk of Court for Dorchester County for filing in her office.

Also, please be advised that the transcripts of the hearings in this matter have already been ordered and received.

Sincerely,

Donald J. Zelenka
Senior Assistant Deputy Attorney General

Enclosures

cc: James M. Morton, Esquire
Emily C. Paavola, Esquire
The Honorable Cheryl Graham, Dorchester County Clerk of Court
David M. Tatarsky, Esq., South Carolina Department of Corrections
Sandi Wofford, Victims Assistance