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August 6, 2014

S.C. Supreme Court

HAND-DELIVERED

The Honorable Daniel E. Shearhouse
South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Gerald Smith v. State, No. 2014-000951

Dear Mr. Shearhouse:

Please accept this letter in lieu of a formal reply to Respondent's return to petition for writ of certiorari. Respondent Smith asserts that the State was incorrect in asserting that Judge Lloyd was not made aware of the terms of the plea agreement (Return p. 7). The State craves reference to pages 170 and 171 of the appendix, in which plea counsel notes that although the terms did not appear on the record during the plea or sentencing, counsel's memory was that the attorneys had chambers meetings with Judge Lloyd about the plea agreement. Therefore, Respondent's assertion is borne out by the record on appeal, contrary to Petitioner's criticism on the subject.

I would respectfully request this Court to grant the petition for certiorari in this case.

Sincerely,

David Spencer
Senior Assistant Attorney General

cc: Robert M. Pachak, Esquire