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AUG 11 2014

**S.C. Supreme Court**

ALAN WILSON  
ATTORNEY GENERAL

August 11, 2014

Honorable David M. Pascoe, Jr.  
Solicitor  
140 N. Main Street, Suite 102  
Summerville, SC 29483

Re: Weik v. South Carolina – 2003-CP-18-1070  
State v. Weik – 98-GS-18-750  
Remand for Resentencing Proceeding

Dear Mr. Pascoe:

Attached is the August 8, 2014 Remittitur Letter and copy of Weik v. South Carolina, Appellate Case No. 2007-060700, Op. No. 27421, filed July 23, 2014. In the Opinion, the Court reversed the holding of the post-conviction relief court and held “Weik established his entitlement to a new sentencing hearing as a result of trial counsel’s failure to present available mitigating evidence regarding his social history” and remanded the case for a new sentencing hearing. The action of the South Carolina Supreme Court immediately vacates the current sentence of death on Indictment 98-GS-18-0750 for murder. The action of the South Carolina Supreme Court has no effect on the murder conviction on 98-GS-18-0705 or the conviction or sentence for burglary in the first degree on 98-GS-18-749.

By copy of this letter, I am advising the Department of Corrections Legal Advisor, David Tatarsky, of the current resentencing status and request he coordinate with the Solicitor’s Office concerning these factors and the effect it has on his present place of incarceration.

By copy of this letter, I am advising you and current appellate counsel of the need to resolve counsel appointment and judicial assignment consistent with the remand. Mr. Weik is currently represented by Chief Appellate Defender Robert M. Dudek. He was represented in the


Honorable David M. Pascoe, Jr.  
August 11, 2014

Page -2-

post-conviction relief proceedings by Michael P. O'Connell of Charleston and Melissa Kimbrough Armstrong. The original trial team was Percy Beauford and Marva Hardee-Thomas.

Also, by copy of this letter, I am advising the Clerk of the South Carolina Supreme Court of this communication.

Sincerely,



Donald J. Zelenka  
Senior Assistant Deputy Attorney General

DJZ/lbb  
Enclosures

cc: Robert M. Dudek, Esquire  
David M. Tatarsky – S.C. Dept. of Correctiona  
Hon. Daniel E. Shearouse  
Trisha Allen, Victims Assistance