



ALAN WILSON
ATTORNEY GENERAL

December 31, 2014

Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RECEIVED

DEC 31 2014

S.C. Supreme Court

Re: **Albert S. Kelly v. State**
Appellate Case No. 2013-001864

Dear Mr. Shearouse:

I am in receipt of the Petition for Writ of Certiorari in the above-captioned post-conviction relief (PCR) case. Please accept this letter in lieu of a formal return.

When this matter was called to trial, Respondent consented to the review of appeal issues from the denial of Petitioner's first PCR action – pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). Respondent stated Petitioner's first PCR attorney admitted to failing to file a notice of appeal from the denial of the first PCR application. (App.p.814, lines 1-11). The Honorable D. Garrison Hill signed an order granting a review of the issues from the denial of Petitioner's first PCR application. (App.pp.825-26; p.828).

Accordingly, Respondent consents to the Petition for Writ of Certiorari and has filed a separate Return to Petition for Writ of Certiorari Pursuant to Austin v. State. If there are any questions or comments, please feel free to contact me.

Sincerely,

Karen C. Ratigan
Senior Assistant Deputy Attorney General

cc: Susan B. Hackett, Esquire