



ALAN WILSON
ATTORNEY GENERAL

January 16, 2015

The Honorable Ernest A. Finney, III
Solicitor, Third Judicial Circuit
141 N. Main Street
Sumter, South Carolina 29150

David M. Tatarsky, General Counsel
South Carolina Department of Corrections
Post Office Box 21787
Columbia, SC 29221

RECEIVED

JAN 16 2015

S.C. Supreme Court

Re: Jeremy McMillan, SCDC #332273
The State v. Jeremy McMillan
Appellate Case No. 2012-213692 (S.C. S.Ct.); 2008-111046 (S.C. Ct.App.)
Remanded for New Trial
Lee County Murder Conviction Vacated: 2006-GS-31-00100

Dear Solicitor Finney and Mr. Tatarsky:

Please be advised that the South Carolina Supreme Court denied the State's Petition for a Writ of Certiorari on January 14, 2015. The South Carolina Court of Appeals had previously reversed and remanded his murder and possession of a weapon convictions from Indictment 2006-GS-31-00100 for a perceived error under Batson v. Kentucky, 476 U.S. 79 (1986). The denial of certiorari effectively requires that Mr. McMillan, who is currently incarcerated at Perry Correctional Institution and be returned to the custody of Lee County to stand re-trial on the indictment. I am requesting to Solicitor to ensure that he is treated as an appropriate pre-trial detainee under the original arrest warrant and secured those appropriate rights as a matter of law.

By this letter, I am also asking David Tatarsky, Legal Advisor of the Department of Corrections, to insure that its records are corrected concerning this decision and assist in securing Mr. McMillan transportation to Lee County.

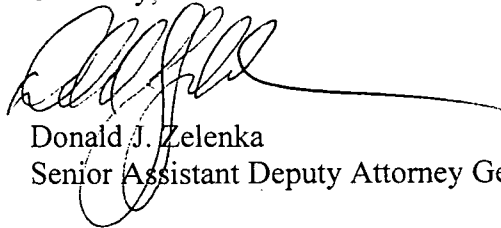
Mr. McMillan is currently represented by Nicole Nicolette Mace of Myrtle Beach, S.C. in the appeal. By copy of this letter, I am advising her of this communication.

The Honorable Ernest A. Finney, III, Solicitor
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January 16, 2015
Page 2

If anyone has any questions, please contact me. With the entry of the denial of certiorari by the South Carolina Supreme Court and remittitur by the South Carolina Court of Appeals today, this ends the criminal appeal.

If you have any questions, please advise me.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Zelenka', with a long horizontal flourish extending to the right.

Donald J. Zelenka
Senior Assistant Deputy Attorney General

DJZ/lm

Enclosures: State v. McMillan, Order Denying Certiorari (S.C. S.Ct.)
State v. McMillan, Opinion No. 5058 (S.C. Ct.App. October 17, 2012)

cc: Nicole Nicolette Mace, Esquire
The Honorable Daniel Shearouse, Clerk of Court, S.C. Supreme Court
The Honorable Jenny A. Kitchings, Clerk of Court, S.C. Court of Appeals
The Honorable James I. Davis, Clerk of Court, Lee County