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S.C. Supreme Court

ALAN WILSON
ATTORNEY GENERAL

February 24, 2015

The Honorable Daniel E. Shearouse
Clerk of Court, South Carolina Supreme Court
HAND DELIVERED

Re: Summer v. Wilson Appellate Case No. 2014-002222
Reply to Summer's Return to Motion to Withdraw Appeal

Dear Mr. Shearouse:

I would appreciate the Court's accepting this letter response to allegations in the Return of Respondent Summer to Russell Bauknight's Motion to Withdraw / Dismiss his appeal. The Appellant Attorney General does not object to the dismissal of the appeal of Russell Bauknight. The Attorney General also has filed appeals himself in this case which are pending. Ms. Summer is a respondent in both appeals.

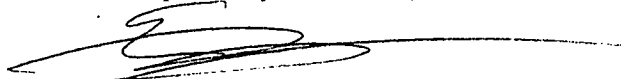
The Attorney General strongly disagrees with a number of characterizations of the Attorney General's position in this case by Ms. Summer. He notes in particular her error in asserting that the Attorney General had a contract with the Wingate firm. The Attorney General does not have a contract with that firm nor has it had such a contract as to the matters at issue. As to the referenced appraisal, the Attorney General's Office does not have that document in its possession, and is not required under the Freedom of Information to demand that anyone outside of that Office produce it. Contrary to her suggestions, the Attorney General does not object to the release of the referenced diary to Ms. Summer or anyone else provided that Judge Early or this Court authorizes it. His Office has only a digital copy of the diary. Until such time as such an order is issued, the Attorney General must comply with Judge Early's Order in Aiken litigation barring disclosure. *In re: The Estate of James Brown*, 2007-ES-02-0122.

Ms. Summer jumbles in references to other FOIA cases to which she is not a party and other Brown litigation. At issue in her case is simply whether the Attorney General is in compliance with her FOIA requests. The Attorney General's position is that he has been and is now fully in compliance with FOIA. He will further address such matters in future filings with this Court in his own appeals.

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If the Court prefers a more formal return, please let me know.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Emory Smith, Jr.", is written over a horizontal line.

J. Emory Smith, Jr.
Deputy Solicitor General
Counsel for Defendant Attorney General

cc: Thomas H. Pope, III, Esquire
Jay Bender, Esquire
Mark V. Gende, Esquire