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S.C. Supreme Court

ALAN WILSON  
ATTORNEY GENERAL

April 29, 2015

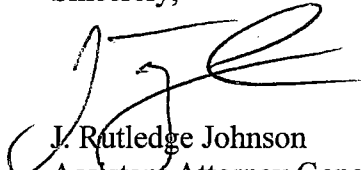
The Honorable Daniel E. Shearouse  
Clerk of the South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

Re: **Brian Keith Stephens, Petitioner v. State of South Carolina, Respondent**  
**Appellate Case No. 2014-000471**

Dear Mr. Shearouse:

The State's Return to Petition for Writ of Certiorari is due tomorrow, April 30, 2015. Please accept this letter in lieu of a formal response. Upon further review of record, specifically the testimony provided at the PCR hearing on February 18, 2014 before the Honorable Donald B. Hocker and Petitioner's Petition for Writ of Certiorari Pursuant to Austin v. State, the State does not contest the assertion Petitioner makes on page 13 of his petition that he is entitled to a belated review of PCR issues pursuant to Austin v. State. If the Court grants certiorari and allows Petitioner a belated review, the Respondent requests the opportunity to brief the King v. State issue presented in Petitioner's petition, in the event that Petitioner's counsel does not file a petition for writ of certiorari pursuant to Johnson v. State. Thank you very much for your time.

Sincerely,



J. Rutledge Johnson  
Assistant Attorney General

cc: Laura R. Baer, Esquire  
Office of Appellate Defense  
Trisha Allen, Victim Services