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June 2, 2015

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Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: Kay Paschal Wallace v. Leon Lott, the Duly Elected Sheriff of Richland County,
South Carolina
Appellate Case Number: 2015-001153
Civil Action Number: 2012-CP-32-0342
Our File Number: 314.9502

Dear Ms. Kitchings:

In accordance with your letter dated May 29, 2015, please find enclosed my firm's \$100.00 check for the filing fee for the Notice of Appeal filed with this Court on May 27, 2015. I apologize for not forwarding the filing fee previously. The Appellant is Sheriff Leon Lott in his official capacity, and existing case law provides that the position of sheriff in South Carolina is a state constitutional office. See, *Cone v. Nettles*, 308 S.C. 109, 417 S.E.2d 523 (1992); *Edwards v. Lexington County Sheriff's Department*, 386 S.C. 285, 688 S.E.2d 125 (2010). Therefore, I had concluded that the waiver of the filing fee for "appeals by the State of South Carolina or its departments or agencies" as set forth in Rule 203(d)(1)(B)(iii), SCACR, would apply to an appeal by a sheriff. Again, my apologies for the error.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb
Enclosure

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JUN 02 2015

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
June 2, 2015
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cc: S. Jahue Moore, Esquire
Patrick J. Frawley, Esquire