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September 21, 2015

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: The State v. Kelvin Jones
Appellate Case No. 2015-000510

Dear Ms. Kitchings:

I received the Court's letter dated September 17, 2015 inquiring into whether there is a pending post-trial motion in the above referenced case. I recently confirmed with Appellant's trial counsel, Mr. Bakari Sellers, that there is a pending post-trial motion for a mistrial. It is my understanding from speaking with Mr. Sellers that this motion was filed on February 26, 2015, two days after the notice of appeal was filed and seven days after Appellant was convicted and sentenced. The Honorable R. Lawton McIntosh held a hearing on the motion on April 16, 2015. However, Judge McIntosh has not made a final ruling and thus the motion is still pending.

Because of this pending post-trial motion, I filed a motion with this Court on September 18, 2015 requesting Appellant's appeal be dismissed **without prejudice** to allow the circuit court to rule on Appellant's pending post-trial motion. After Judge McIntosh rules on Appellant's pending post-trial motion, Mr. Sellers may then refile a notice of appeal on Appellant's behalf.

I hope this letter sufficiently addresses the Court's letter. Please let me know if the Court requires additional information.

Sincerely,

Lara M. Caudy
Appellate Defender

LMC/smf

cc: Salley W. Elliott, Esquire
Bakari T. Sellers, Esquire