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December 16, 2015

RECEIVED

DEC 15 2015

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

S.C. Supreme Court

Re: The State v. Darryl L. Drayton, Appellate Case No. 2015-000814

Dear Mr. Shearouse:

On August 13, 2015, I advised this Court of the Fourth Circuit Court of Appeals' decision in United States v. Graham, 2015 WL 4637931 (4th Cir. Aug. 5, 2015) pursuant to Rule 208(b)(7), SCACR, as the case represented pertinent and significant authority for the first and second issues presented in the petition for writ of certiorari. On October 28, 2015, the Fourth Circuit Court of Appeals granted the government's petition for rehearing en banc. An order to this effect is enclosed for your convenience. According to the order, the "case is tentatively calendared for oral argument during the court's March 22-25, 2016, oral argument session."

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

Susan B. Hackett
Appellate Defender

Enclosure: as stated (6 copies)

cc: William Edgar Salter, III, Esquire (with enclosure)
Darryl L. Drayton (with enclosure)

2015 WL 6531272

Only the Westlaw citation is currently available.
United States Court of Appeals,
Fourth Circuit.

UNITED STATES of America, Plaintiff–Appellee

v.

Aaron GRAHAM, Defendant–Appellant;
Electronic Frontier Foundation; National
Association of Criminal Defense Lawyers;
American Civil Liberties Union Foundation
of Maryland; Center for Democracy &
Technology; American Civil Liberties Union
Foundation, Amici Supporting Appellant.
United States of America, Plaintiff–Appellee

v.

Eric Jordan, Defendant–Appellant.
Electronic Frontier Foundation; National
Association of Criminal Defense Lawyers;
American Civil Liberties Union Foundation
of Maryland; Center for Democracy &
Technology; American Civil Liberties Union
Foundation, Amici Supporting Appellant.

Nos. 12–4659 (L), 12–4825. | Oct. 28, 2015.

Attorneys and Law Firms

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Appellee.

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Defender, Office of the Federal Public Defender, Baltimore,
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Indigent Defense Services, Durham, NC, David Robert
Rocah, American Civil Liberties Union of Maryland,
Baltimore, MD, Kevin S. Bankston, Gregory T. Nojeim,
Washington, DC, for Amici Supporting Appellant.

ORDER

*1 A majority of judges in regular active service and not
disqualified having voted in a requested poll of the court to
grant the government's petition for rehearing en banc, the
court grants the government's petition for rehearing en banc.

No member of the court requested a poll on the petitions for
rehearing en banc filed by Appellants Graham and Jordan,
and those petitions are denied. Appellant Jordan's petition for
panel rehearing is also denied.

The parties and amici curiae shall file 16 additional paper
copies of their briefs and appendices previously filed in this
case within 10 days. The parties may move, or the court may
sua sponte order, the filing of supplemental en banc briefs
pursuant to Local Rule 35(d).

This case is tentatively calendared for oral argument during
the court's March 22–25, 2016, oral argument session.

All Citations

--- Fed.Appx. ----, 2015 WL 6531272 (Mem)

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