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**THE HENDERSON LAW FIRM, P.C.**

JUL 15 2016

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**SC Court of Appeals**

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July 13, 2016

Hon. V. Claire Allen  
Deputy Clerk  
S.C. Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

Re: The State v. Matthew Capley  
Appellate Case No. 2016-001271

Dear Deputy Clerk Allen:

I'm writing in response to your letter dated July 7, 2016, which I received on Monday, July 11, 2016. The issue in Mr. Capley's appeal is whether the denial of a motion to dismiss on double jeopardy grounds is immediately appealable. This issue was argued before the S.C. Supreme Court on June 15, 2016, in The State v. Bryan Rearick, Appellate Case No. 2014-001692. The Supreme Court allowed Mr. Rearick to argue against the precedent set forth in State v. Miller, 289 S.C. 426, 346 S.E.2d 705 (1986). This issue is also before the Court of Appeals in The State v. Terrance Stewart, Appellate Case No. 2016-000729. I'm asking that the Court of Appeals allow Mr. Capley's appeal to proceed until the Supreme Court issues a decision in The State v. Bryan Rearick.

Thank you for your assistance and cooperation in this matter.

Cordially yours,

**THE HENDERSON LAW FIRM, P.C.**



Carson M. Henderson

CMH/lhc

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