



ALAN WILSON
ATTORNEY GENERAL

July 18, 2016

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SC Court of Appeals

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The Honorable V. Claire Allen
Deputy Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

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

Dear Ms. Allen:

Please accept this letter in lieu of a formal return in response to your letter dated July 7, 2016. The issue in the present appeal, under currently existing case law, is interlocutory and should not be considered by the Court. The State acknowledges the South Carolina Supreme Court recently heard argument in a case seeking to overrule the precedent of State v. Miller, 289 S.C. 426, 346 S.E.2d 705 (1986). See State v. Rearick, Appellate Case Tracking Number 2014-001692. The State will leave a decision to the discretion of the Court on whether to dismiss and remand based on current law or hold the appeal in abeyance pending an opinion in State v. Rearick.

Additionally, I wish to inform the Court and opposing counsel I will be representing the State in this matter. Please forward all future correspondence to me. Do not hesitate to contact me if you need any additional information from this office.

Sincerely,

William M. Blich, Jr.
Assistant Deputy Attorney General

cc: Carson M. Henderson, Esquire
Victim Services



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