

# Nelson Mullins

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July 26, 2016

**RECEIVED**  
JUL 27 2016  
SC Court of Appeals

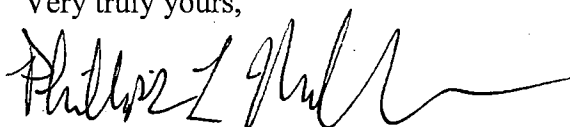
The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

RE: The State v. Earnest Stewart Daise  
Appellate Case No. 2013-002394  
Our File No. 38769/01523

Dear Ms. Kitchings:

We are in receipt of Mr. Zelenka's letter dated July 14, 2016. In light of his availability on November 8 and 9, 2016, undersigned hereby informs the Court that he can be available to argue the case in November given Mr. Zelenka's availability and despite Mr. Bogan's conflict. Therefore, please accept this letter as an amendment of our July 15, 2016 letter and a clarification of when we could appear to argue this case for our client. We by no means want the Court to construe any conflict as to scheduling for the lawyers as a waiver of the need for argument for our client. Thus, should the Court set the matter for argument in November, undersigned can appear on November 8 or 9, 2016, consistent with Mr. Zelenka's availability. Further, undersigned also has no conflicts presently in December.

Very truly yours,



Phillips L. McWilliams

PLM:kdm

cc: Donald J. Zelenka, Esquire  
Robert M. Dudek, Esquire

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## SC Court of Appeals

29201-376999

