

**OFFICE OF THE PUBLIC DEFENDER  
 FOURTEENTH JUDICIAL CIRCUIT  
 ALLENDALE, HAMPTON & JASPER COUNTIES  
 1 COURTHOUSE SQUARE, ELM STREET, SECOND FLOOR  
 POST OFFICE BOX 506  
 HAMPTON, SOUTH CAROLINA 29924**

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STEPHANIE SMART-GITTINGS  
 ASSISTANT PUBLIC DEFENDER

**RECEIVED**

August 1, 2016

AUG 01 2016

Supreme Court of South Carolina  
 P.O. Box 11330  
 Columbia, SC 29211

**S.C. SUPREME COURT**

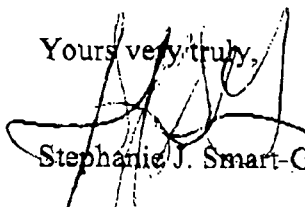
Re: Appellate Case No. 2016-001482; Lower Case No. 2015GS0300050

Dear Clerk Shearouse:

At the conclusion of State v Miller, Judge McIntosh granted our motion for an Aiken v. Byer's mitigation investigation thereby holding the sentence in abeyance. I was unaware that the appeal would be premature when filed prior to sentencing. I respectfully withdraw the appeal until Mr. Miller has been sentenced.

If you have any questions, I may be reached at 803-914-2243 or [sjsgittings@gmail.com](mailto:sjsgittings@gmail.com).

Yours very truly,



Stephanie J. Smart-Gittings

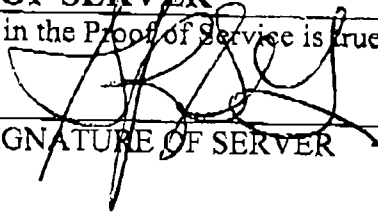
**PROOF OF SERVICE**

SERVED ✓	DATE 8-2-16	PLACE Hampton County Courthouse
SERVED ON (PRINT NAME) Bruce Davis / Solicitor's Office		MANNER OF SERVICE Hand Delivered
SERVED BY (PRINT NAME) Stephanie Smart		TITLE Public Defender

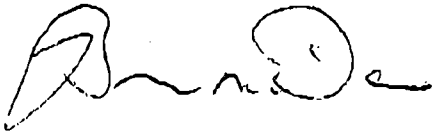
**DECLARATION OF SERVER**

I certify that the forgoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_

  
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