



ALAN WILSON  
ATTORNEY GENERAL

August 1, 2016

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
HAND DELIVERED

**RECEIVED**  
AUG 01 2016  
SC Court of Appeals

Re: Hoyer v. State of SC, et al et al Appellate Case No. 2016-001277  
Return to Motion to Dismiss

Dear Ms. Kitchings:

I would appreciate the Court's accepting this letter Return of the State to Merry Land's Motion to Dismiss Appeal. If the Court prefers that the State submit a more formal return, please let me know, and I will promptly submit one.

The State concurs in the legal arguments in Merry Land's Motion. *See also*, § 2821 Motions While Appeal Pending, 11 Fed. Prac. & Proc. Civ. § 2821 (3d ed.) ("If a timely motion under Rule 59 has been made and not disposed of, the case lacks finality. For that reason, the subsequent filing of a notice of appeal is a nullity and does not deprive the trial court of power to rule on the motion." (footnote omitted)).

I have enclosed the original and six copies of this letter, and I am mailing it to the counsel listed below today. I would appreciate your confirming filing by stamping the enclosed additional copy of this letter and returning it via our courier. Thank you.

Respectfully submitted,

J. Emory Smith, Jr.  
Deputy Solicitor General  
Counsel for the State

cc: Jefferson D. Griffith, III, Esquire  
Richard L. Whitt, Esquire  
Mary D. Shahid, Esquire  
Stephen P. Groves, Sr., Esquire