



ALAN WILSON  
ATTORNEY GENERAL

August 26, 2016

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AUG 26 2016

SC Court of Appeals

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

Re: Pope v. Alan Wilson, Attorney General (James Brown Legacy Trust) 2016-001727  
Return to Motion to Certify

Dear Ms. Kitchings:

I would appreciate your accepting this letter return to Appellant's Motion to Certify.

The Respondent Attorney General consents to the transfer of this case to the Supreme Court but disagrees with some of the grounds offered for Appellant's Motion. I respectfully request that the Court disregard Appellant's affidavit because it is not part of the record of the case in Circuit Court and even includes, at paragraph 25, a statement regarding a deposition taken after the rulings under appeal. I also note that the Motion should have been filed in the Supreme Court under Rule 204(b) rather than at the Court of Appeals. The Respondent Attorney General preserves all of his defenses to the Appeal.

If the Court prefers a more formal Return, please let me know, and I will promptly file one. I have mailed a copy of this letter to counsel listed below, and I am enclosing the original and six copies of this letter for the Court. Please stamp and return one copy via our courier.

Thank you for your consideration of this matter.

Respectfully submitted,

  
J. Emory Smith, Jr.

Deputy Solicitor General

Counsel for Respondent Attorney General

cc: Adam T. Silvermail, Esquire  
Ariail E. King, Esquire  
David L. Paavola, Esquire