



ALAN WILSON
ATTORNEY GENERAL

August 29, 2016

RECEIVED
AUG 29 2016
SC Court of Appeals

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Joe Ross Worley
Appellate Case No: 2014-001497

Dear Ms. Kitchings:

I am in receipt of Appellant's August 18, 2016 letter in which he provides an update to this Court regarding the above referenced case. As noted, it appears Judge Keesley has indeed scheduled a hearing pursuant to the Court's June 17, 2016, Order; however, my understanding is that the hearing will be held on October 25, 2016, in McCormick County rather than Edgefield County. Per Judge Keesley's instructions and following an August 1, 2016, meeting he had with Assistant Appellate Defender John Strom and Assistant Solicitor Ervin Maye, the Attorney General's Office will now appear on behalf of the State so that, in the unlikely event Judge Keesley ultimately determines that individuals from the Solicitor's Office need to offer testimony, a State's attorney will be available to handle examination of those witnesses.

The purpose of my letter today is to clarify that, contrary to the assertion in Mr. Worley's letter, all parties have **not** agreed that taking testimony from Mr. Worley and the trial attorneys would be necessary. Indeed, as indicated in my May 6, 2016, letter to this Court, the State opposes repeating any portions of the reconstruction hearing that have already been completed. The State takes the position that a full and fair reconstruction hearing was held before Judge Keesley on June 14, 2013, and that no additional proceedings are required save issuance of an order. Solicitor Donald V. Myers, Assistant Solicitor Ervin J. Maye, and Assistant Solicitor H. Franklin Young represented the State at the 2013 reconstruction hearing and Desa A. Ballard, Esquire, Carson M. Henderson, Esquire, and Billy J. Garrett, Esquire, represented Appellant. Although Judge Keesley did not issue an order after the conclusion of the hearing, it was a complete hearing.

The State acknowledges that any decisions on whether additional actions are required to complete the reconstruction process are entirely in the province of Judge Keesley, but I wanted to ensure that everyone understands the State has neither consented to nor agreed that testimony

from Mr. Worley, his trial attorneys, or the Solicitors who handled the initial immunity hearing or the subsequent reconstruction hearing is needed. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Benjamin Aplin". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

J. Benjamin Aplin
Senior Assistant Deputy Attorney General
S.C. Bar No: 8729

cc: The Honorable William P. Keesley
John H. Strom, Esquire
Ervin J. Maye, Esquire
Ms. Trisha Allen