

ALAN WILSON
ATTORNEY GENERAL

October 4, 2016

RECEIVED
OCT 04 2016
SC Court of Appeals

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

Re: State of South Carolina v. Floyd Riley
Appellate Case No: 2016-001116

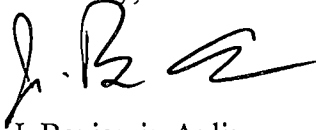
Dear Ms. Kitchings:

I am in receipt of the Court's September 30, 2016 letter noting that according to your records the initial brief of respondent and designation of matter were due to be served and filed no later than September 15, 2016, and requesting that, within five days of your letter, I advise the Court on the status of the initial brief of respondent and designation of matter. Please accept this letter in response. Also, please accept my apologies for failing to adhere to the due dates in your records and for my confusion in regard to this matter, which I believe led to that failure and which I hope to explain below.

Although I have been copied on correspondence from your office to Mr. Floyd beginning in June of 2016, I have never received any correspondence directly from Mr. Floyd and have not been copied on any correspondence he may have sent to your office. Similarly, as noted in my August 22, 2016 letter, this Office has not been served with Mr. Floyd's Initial Brief. Additionally, we have not been served with or otherwise received Mr. Floyd's Designation of Matter. I did not realize any time frames for responsive pleadings were running where it did not appear Mr. Floyd had yet cured the deficiency identified in your August 17, 2016 letter of not having submitted a designation of matter. Additionally, it was unclear whether Mr. Floyd actually ordered a transcript of the lower court proceedings as directed in your June 9, 2016 letter, or whether he received said transcript. In short, it did not appear Mr. Floyd's appeal was sufficiently complete to place it in a procedural posture whereby an initial brief of respondent would be due.

Again, I apologize for my confusion and **hereby request that the Court hold this appeal in abeyance for thirty days** while I attempt to obtain a copy of Mr. Floyd's designation of matter and the transcript of the proceedings before Judge Murphy.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. B. Aplin', with a stylized flourish at the end.

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

JBA/ab

cc: Floyd Riley
Kyle Leo Ward, Esquire