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S.C. SUPREME COURT

ALAN WILSON  
ATTORNEY GENERAL

November 8, 2016

The Honorable Daniel E. Shearouse  
Clerk of Court, The Supreme Court of South Carolina  
PO Box 11330  
Columbia, SC 29211

Re: Samuel Brown, Jr. v. State of South Carolina  
Appellate Case No.: 2016-002157  
Circuit Court Case No.: 2014-CP-08-2566

Dear Mr. Shearouse:

An evidentiary hearing in this case was convened on September 16, 2016. However, before any testimony was taken, the State moved for summary judgment pursuant to Rule 56(b)-(c), SCRCP, on the grounds that Applicant had served the full three-year term of his sentence, deeming his post-conviction relief action moot. According to the South Carolina Department of Corrections, Mr. Brown's Berkeley County sentence was satisfied on February 25, 2015.

S.C. Code Ann. § 17-27-70(c) provides that "The court may grant a motion by either party for summary disposition of the application when it appears from the pleadings, depositions and admissions and agreements of fact, together with any affidavits submitted, that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Because Respondent moved for summary judgment pursuant to subsection 17-27-70 and Rule 56, SCRCP, a full evidentiary hearing was not held in this matter. Therefore, under these circumstances, Respondent submits that the form order need not comply with the requirements of S.C. Code Ann. § 17-27-80.

Nevertheless, Respondent is informed and believes the form order was not intended to be the final order. Therefore, contemporaneously with the submission of this letter to this Court, Respondent has also submitted the proposed full written order for the post-conviction relief judge's consideration. A copy of that order and correspondence are enclosed for reference.

Should you have any questions or need any additional documentation regarding this matter, please do not hesitate to contact me at (803) 734-3737.

Sincerely,

*Alicia A. Olive*  
for Alicia A. Olive  
Assistant Attorney General

cc: The Honorable Justice Jean H. Toal  
Rodney D. Davis, Esquire

Enclosures