

STATE OF SOUTH CAROLINA
In the Court Of Appeals

APPEAL FROM GREENVILLE COUNTY
J. Mark Hayes, II, Circuit Court Judge

Appellate Case No. 2014-002655

RECEIVED

MAR 27 2017

SC Court of Appeals

THE STATE,

Respondent,

v.

DONALD LAMON YOUNG,

Appellant.

RETURN TO MOTION FOR A NEW TRIAL

Respondent (the State), through undersigned counsel and making return to Appellant's "Motion for a New Trial," would respectfully show unto this Court:

1. The State agrees with and adopts Appellant's rendition of the procedural history as set forth in his Motion.

2. The State has reviewed the February 23, 2017 order issued by the Honorable J. Mark Hayes, II, which was filed on March 9, 2017, and which concluded, after remand from this Court, that the record could not be sufficiently reconstructed to permit meaningful appellate review.

3. Representatives from the South Carolina Attorney General's Office and the Thirteenth Circuit Solicitor's Office have now discussed the findings and conclusions in the February 23rd order, the possibility of pursuing reconsideration or appeal from that order, and whether the order as a whole or any particular portions thereof appear to be without evidentiary support or otherwise

constitute reversible error.

4. Based upon this review and discussion, the State finds no basis on which to challenge the recommendation that this Court remand for a new trial.

WHEREFORE, having made return, and for the reasons stated above, the State takes no position on Appellant's motion for a new trial and instead leaves any decision regarding Appellant's motion for a new trial to be resolved in the sound discretion of this Court.


Respectfully submitted,

ALAN WILSON
Attorney General

J. BENJAMIN APLIN
Senior Assistant Deputy Attorney General

W. WALTER WILKINS, III
Solicitor, Thirteenth Judicial Circuit

BY: _____



J. Benjamin Aplin
S.C. Bar No: 8729

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

March 27, 2017

RECEIVED

MAR 27 2017

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court Of Appeals

APPEAL FROM GREENVILLE COUNTY
J. Mark Hayes, II, Circuit Court Judge

Appellate Case No. 2014-002655

RECEIVED
MAR 27 2017
SC Court of Appeals

THE STATE,

Respondent,

v.

DONALD LAMON YOUNG,

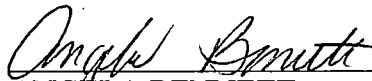
Appellant.

PROOF OF SERVICE

I, Angela Bennett, certify that I have served the Return to Motion to Remand for Reconstruction of the Record on Appellant by depositing a copy of the same in the United States mail, postage prepaid, addressed to Susan B. Hackett, Esquire, S.C. Commission on Indigent Defense, Division of Appellate Defense, Post Office Box 11589, Columbia, South Carolina 29211-1589.

I further certify that all parties required by Rule to be served have been served.

This 27th day of March, 2017.



ANGELA BENNETT
Administrative Assistant
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

March 27, 2017

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

RECEIVED
MAR 27 2017
SC Court of Appeals

Re: State v. Donald Lamon Young
Appellate Case No. 2014-002655

Dear Ms. Kitchings:

Enclosed for filing are the original and six copies of the Respondent's Return to Motion for a New Trial in the above-referenced case.

Sincerely,

J. Benjamin Aplin
Senior Assistant Deputy Attorney General

Enclosures

cc: Honorable J. Mark Hayes, II
Susan B. Hackett, Esquire
Assistant Solicitor Elizabeth M. Gary, Esquire
Victim Services