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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

October 23, 2017

VIA HAND-DELIVERY

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: State v. Timothy Artez Pulley
Court of Appeals Appellate Case No. 2015-002206

Dear Mr. Shearouse:

Please accept this letter in lieu of a formal response to Appellant's Motion to Transfer Case Pursuant to Rule 204(b). While the State maintains the facts and circumstances of the case, as well as appropriate South Carolina law, support the instruction given by the trial court, the State does not oppose the motion to transfer. The State agrees the issue is of significant legal importance because it would directly impact the jury instructions given in any trial for a drug related offense based on constructive possession. The State agrees State v. Adams, 291 S.C. 132, 352 S.E.2d 483 (1987), would be binding on the Court of Appeals, and a decision of the South Carolina Supreme Court would be required to overturn that precedent.

Sincerely,

William M. Blich, Jr.
Assistant Attorney General

cc: C. Rauch Wise, Esquire
~~Jenny A. Kitchings, Clerk, South Carolina Court of Appeals~~
Victim Advocacy Division