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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

October 26, 2017

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
HAND DELIVERED

Re: S. C. Public Interest Foundation v. The S. C. House of Representatives, et al
Appellate Case No. 2017-001638
Request for Transfer to the South Carolina Supreme Court


Dear Ms. Kitchings:

I respectfully request that this Court transfer this appeal to the Supreme Court pursuant to Rule 204(a), SCACR. That rule states that “[i]n the event that the notice of appeal is filed in the wrong appellate court, the appellate court in which the matter is filed shall issue an order transferring the case to the appropriate appellate court.”

This appeal should be transferred to the Supreme Court because it should have been filed there initially under Rule 203(d)(1)(A)(ii). That Rule provides that the notice of appeal shall be filed with the Supreme Court in “[a]ny final judgment involving a challenge on state or federal grounds to the constitutionality of a state law . . . where the principal issue is one of the constitutionality of the law” As set forth at the outset of the Order attached to the Notice of Appeal, the Complaint claims that Act 275, 2016 S.C. Acts, violates the one subject rule of the South Carolina Constitution. Although the Order also found that Plaintiffs / Appellants lack standing, it squarely addressed the constitutional issue and found that the Act is compliant with the Constitution. Appellants’ initial brief presents the constitutional issue as the first argument. Because the merits of the constitutional issue has been raised and addressed below and has been briefed on appeal, I respectfully request that this appeal be transferred to the Supreme Court.

Should the Court prefer a more formal filing or have questions, please let me know. Thank you for your consideration of this request.

Respectfully submitted,


J. Emory Smith, Jr.
Deputy Solicitor General

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