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November 1, 2017

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29211

Re: The State v. Marion Kale Till
Appellate Case No.: 2016-002498

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SC Court of Appeals

Dear Ms. Kitchings:

On Monday, October 30, 2017, the Motion to Reconsider came before Circuit Court Judge Goodstein in Orangeburg County. Matthew Buchanan, general counsel for SCDPPPS, appeared on behalf of the State. Prior to the hearing, Attorney Buchanan brought the Court of Appeal's letter of August 29, 2017 to my attention. I informed the Court that I did not recognize the letter and had not responded to the Court of Appeals. Judge Goodstein advised me that she did not believe that because the case had not been remanded by the Court of Appeals, that she had jurisdiction to hear the Motion to Reconsider at this time.

This matter originally came before Judge Goodstein for a probation revocation hearing on December 7, 2016. The Defendant was appointed a Public Defender at the hearing. Judge Goodstein revoked the Defendant's probation in full. The Public Defender appointed to represent Mr. Till filed a Notice of Appeal on December 12, 2016. While the appeal was pending, the Defendant's family consulted and retained me. As soon as I was retained, I requested that the Appellant Public Defender file Motion to Remand. Upon my request, the Appellant Public Defender filed a Motion to be Relieved as Counsel, and I filed a Motion to Remand. Soon thereafter, I also filed a Motion to Reconsider in Circuit Court.

I was notified by the Solicitor's Office and SCDPPPS that a hearing date had been scheduled before Judge Goodstein. I was unclear whether this hearing was based on the Motion to Remand or the Motion to Reconsider. At the hearing on Monday, I was informed by Judge Goodstein that although she was prepared to reconsider the probation revocation, she did not believe it was within her jurisdiction, as her file did not reflect that the Court of Appeals had remanded the case back to Circuit Court.

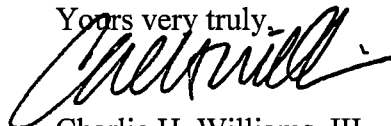
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I do believe that the Motion to Reconsider was timely filed based on the principles of equitable tolling as outlined in *Hooper v. Ebenzer Senior Services and Rehabilitation Center*, 389 S.C. 108 (2009). The *Hooper* Court quoting *Hausman*, noted, "The equitable power of a court is not bound by cast-iron rules but exists to do fairness and is flexible and adaptable to particular exigencies so that relief will be granted when, in view of all the circumstance, to deny it would permit one party to suffer a gross wrong at the hands of the other." *Hausman v. Hausman*, 199 S.W3d 38, 42 (Tex. App. 2006). In the case at hand, upon Remand of the Case to Circuit Court, there would exist an additional 6 days to file the Motion to Reconsider because the Notice of Appeal was filed within 4 days after the probation revocation. Having already filed the Motion to Reconsider, I believe that the moment this matter is remanded, the case is ripe and the Motion should be heard.

Because all parties necessary have been and are prepared to proceed with the Motion to Reconsider upon Remand of this case to the Circuit Court, I do not believe there would be any prejudice to the SCDPPPS. Therefore, I would respectfully request that this matter be remanded to the First Circuit so that the revoking judge would have jurisdiction and the authority to hear the Motion to Reconsider as it was previously scheduled.

Should you have any questions or concerns or wish to clarify any additional information with me, please do not hesitate to contact me directly. As always, I remain

Yours very truly,



Charlie H. Williams, III

c: Matthew Buchanan, Esquire

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