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ATTORNEY GENERAL

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S.C. SUPREME COURT

September 10, 2018

The Honorable Daniel E. Shearouse
Clerk of Court to the Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

Re: Dominic A. Leggette v. State of South Carolina
Appellate Case No. 2016-001207
Docket No. 2015-CP-26-00521

Dear Mr. Shearouse:

The State is in receipt of the Court's letter dated August 28, 2018, advising the Court of the status of the subject case. The State provided an e-mail response on August 30, 2018, but was unable to submit the requested letter response by Friday, September 7, 2018, as requested. I apologize for the error, as unexpected family and medical issues distracted me from the matter.

The State has reviewed its file for the subject case. The evidentiary hearing was completed Monday, May 9, 2016, and thereafter taken under advisement. There was no indication of a ruling in the file and our database indicated the matter was still under advisement, but a draft proposed order of dismissal last modified February 16, 2017, suggested the Court must have previously requested a proposed order. That order was e-mailed to the Honorable Paul M. Burch's law clerk on March 16, 2017, by my former colleague Valerie Giovanoli, Esq.

I evidently discovered this matter was neglected earlier this year as we ordered a transcript of the evidentiary hearing on January 9, 2018. That transcript was received March 27, 2018, but I evidently overlooked its receipt amid a heavy caseload. Upon receipt of the Court's letter, and review of the prior draft order, I opted against resubmission of the previous draft, reviewed the evidentiary hearing transcript, and prepared a new proposed order based thereupon. The current proposed Order of Dismissal was submitted by both mail and e-mail on August 31, 2018.

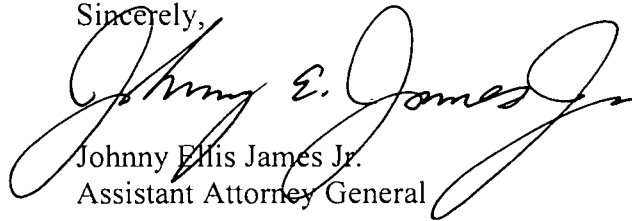
I have not yet received confirmation/rejection of the proposed order by Judge Burch as of the time of this letter's drafting. In the event it appears in the post in the next day or two, it may

be a number of days before it can be safely mailed and filed with the Horry County Clerk of Court, as the present track of Hurricane Florence may further interfere with the regular operation of the post and the county offices.

A similarly situated case, that of John E. Sessions, III v. State of South Carolina (2014-CP-26-05918), was found in a similar state upon review of old files, but no proposed order had been previously submitted to Judge Burch. Upon review of the draft proposed order in our file, I similarly opted against submitting it and instead drafted a new proposed order based on a previously ordered evidentiary hearing transcript. That proposed order was submitted to Judge Burch by e-mail on August 31, 2018, and mail on September 4, 2018. I have received no confirmation/rejection from Judge Burch at the time of this writing.

If the Court should have any further comments, questions, concerns, or requests, please do not hesitate to ask.

Sincerely,

A handwritten signature in black ink, appearing to read "Johnny E. James Jr.", written in a cursive style. The signature is positioned above the typed name and title.

Johnny Ellis James Jr.
Assistant Attorney General

cc: Steven W. Fowler, Esq.
The Honorable Paul M. Burch