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S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

October 25, 2018

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

Re: Theodore Wills, Jr. v. State of South Carolina
Appellate Case No. 2018-000054

Dear Mr. Shearouse:

The State is in receipt of the Petitioner's motion dated October 23, 2018, requesting the above appeal be reinstated again. Please accept this letter in lieu of a formal return to Petitioner's motion. Respondent has no objection to Petitioner's request. As the remittitur has not yet been issued, because Petitioner is entitled to "one bite at the apple," and (importantly) because Petitioner has filed the Petition and Appendix of concern concurrent with his motion, reinstatement is appropriate in the interest of fairness and judicial efficiency. See Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991) (PCR applicants entitled to seek appellate review); Mangal v. State, 421 S.C. 85, 805 S.E.2d 568 (2017) (encouraging courts to use discretion in procedural matters to find reasonable ways within the flexibility of the rules to reach the merits of substantial issues).

If you should have any questions, please do not hesitate to contact me.

Respectfully,

Johnny Ellis James Jr.
Assistant Attorney General

cc: William G. Yarborough, III, Esq. & Lauren C. Hobbis, Esq.