

BLUME NORRIS & FRANKLIN-BEST, LLC

ATTORNEYS AT LAW

JOHN H. BLUME
TERESA L. NORRIS
Elizabeth Franklin-Best
KEIR M. WEYBLE *OF COUNSEL*
DAVID I. BRUCK *OF COUNSEL*

900 Elmwood Avenue, Suite 101
COLUMBIA, SOUTH CAROLINA 29201
PHONE: (803) 765-1044
FAX: (803) 765-1143

February 11, 2013

The Honorable Doyet A. Early, III
Post Office Box 90
Bamberg, SC 29003

Re: *Mikal D. Mahdi v. State*, 09-CP-09-164 (Calhoun County Capital PCR); Appellate Case No. 2013-000183

Dear Judge Early:

I received today the Rule 59 motion submitted by Mr. Mabry, along with his request for a hearing on the matter.

I write simply to alert you to the fact that Mr. Mahdi has already filed a Notice of Appeal and the case has been docketed in the South Carolina Supreme Court (Appellate Case No. 2013-000183). As I am sure you are aware, Appellate Rule 205 provides that, “[u]pon service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal.” Given this rule, I do not believe that you have jurisdiction to rule on Respondent’s motion unless he obtains a remand from the Supreme Court.

Please do not hesitate to contact me if you have any questions in this matter or if I can provide you with any additional information.

Sincerely,



Teresa L. Norris

cc: The Honorable Daniel E. Shearouse
The Honorable Kenneth Hasty
Anthony Mabry
Robert Lominack
Seth Farber
Mikal Mahdi

RECEIVED

FEB 12 2013

S.C. SUPREME COURT