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S.C. Supreme Court

ALAN WILSON  
ATTORNEY GENERAL

February 12, 2013

The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
1231 Gervais Street  
Columbia, S. C. 29201

Re: In the Matter of the Care and Treatment of Thomas Simmons  
Appellate Case No. 2013-000063

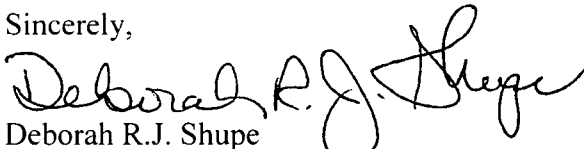
Dear Mr. Shearouse:

This letter is in response to the Appellant's Return to Respondent's Motion to Dismiss. Significantly, the Return is absolutely devoid of any discussion regarding the basis for the Motion to Dismiss – the appealed Order is not immediately appealable under S.C. Code §14-3-330 (Supp. 2012) or the South Carolina Appellate Court Rules. Rather, it merely re-hashes the arguments raised in Appellant's previous Petition for Writ of Habeas Corpus, which this Court denied.

Further, the delay counsel asserts as a constitutional violation is of his own making. But for the previously filed Petition for Writ of Habeas Corpus, the pending release action would have been set for re-trial at the earliest available date. The State's attempts to get the re-trial scheduled, however, were met with virtual silence from Appellant's counsel until the Petition was filed.

Appellant has not been denied a re-trial. On the contrary, the circuit court Order indicates the re-trial will be scheduled after this Court issues an opinion in the appeal from the original commitment trial, which is scheduled for oral argument on March 5, 2013, at 10:30 a.m.

Sincerely,

  
Deborah R.J. Shupe  
Assistant Attorney General

DRJS/sbe

cc: Gene M. Connell, Jr., Esquire