



ALAN WILSON
ATTORNEY GENERAL

September 9, 2018

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S.C. SUPREME COURT

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

Re: Gary J. Means, Jr. v. State of South Carolina
Appellate Case No. 2019-000617

Dear Mr. Shearouse:

The State is in receipt of the Petitioner's motion dated September 4, 2019, requesting the above appeal be reinstated. 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, and because Petitioner is entitled to "one bite at the apple," 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 the Court should desire a formal response, please do not hesitate to request as much.

Respectfully,

Johnny Ellis James Jr.
S.C. Bar No. #101260
Assistant Attorney General

cc: Tara Dawn Shurling, Esq.