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ATTORNEY GENERAL

October 30, 2019

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

**Re: William H. McCladdie v. State of South Carolina
Appellate Case No. 2016-001979**

Dear Ms. Kitchings:

Please accept this letter in response to the Court's October 23, 2019, letter asking the State for an update on the status of Mr. McCladdie's case. If the Court would prefer a more formal response, please let me know and I will be happy to provide one.

Following this Court's March 21, 2019, order holding Mr. McCladdie's appeal in abeyance and remanding the matter back to the circuit court to conduct a hearing to determine whether Mr. McCladdie knowingly, intelligently, and voluntarily waived his post-conviction relief claims other than his claim that he was entitled to belated appellate review, and if necessary, to resolve these other claims, the State asked the Aiken County Clerk of Court to re-open Mr. McCladdie's lower court file and communicated with Appellate Counsel Susan B. Hackett and prior PCR counsel Aimee Zmroczek to determine who would represent Mr. McCladdie on remand. Ms. Zmroczek agreed to resume her representation of Mr. McCladdie and the parties agreed to place the matter on the upcoming post-conviction relief term for the Second Judicial Circuit.

On May 16, 2019, Mr. McCladdie had a hearing before the Honorable J. Cordell Maddox, circuit court judge, during the Second Circuit's May post-conviction relief term. During that hearing, Mr. McCladdie testified he did not intend to waive his post-conviction relief allegations when he signed the consent order granting him belated appellate review. At the conclusion of that hearing, Judge Maddox granted Mr. McCladdie a full evidentiary hearing on his previously filed post-conviction relief application. Following this hearing, Ms. Zmroczek moved to be relieved as counsel for Mr. McCladdie, and accordingly, Ms. Zmroczek was relieved as counsel and Arthur K. Aiken was appointed to represent Mr. McCladdie.

In August 2019, Mr. McCladdie's full evidentiary hearing was placed on the September – October 2019 Second Circuit PCR term of court roster and was scheduled to be held on Thursday, October 3, 2019. Prior to the commencement of the PCR term, Mr. McCladdie's PCR counsel, Mr. Arthur K. Aiken, requested a continuance due to Mr. Aiken having a criminal trial schedule for the same week as the PCR term.

The Honorable Clifton Newman conditionally denied Mr. Aiken's requested continuance, stating that if Mr. Aiken's criminal trial was completed before Thursday, October 3, Mr. McCladdie's PCR hearing would still go forward. However, The Honorable Courtney Clyburn Pope, the presiding judge, ultimately granted Mr. Aiken's continuance on the afternoon of Wednesday, October 2, 2019, as it appeared Mr. Aiken's criminal trial would not be completed before Thursday, October 3. Accordingly, Mr. McCladdie's PCR evidentiary hearing is expected to take place during the next Second Circuit PCR term, which is scheduled for January 20-24, 2020.

Please let me know if I can provide any more information for the Court on this matter.

Sincerely,



Brianna L. Schill
Assistant Attorney General
SC Bar No. 103380

BLS/ks

cc: Susan B. Hackett, Esquire
Megan Harrigan Jameson, Esquire
Arthur K. Aiken, Esquire