



RECEIVED
Feb 16 2021
SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

February 16, 2021
(Via Email Submission Only)

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

RE: State v. Javaline Tyree Dawkins
Appellate Case No: 2020-001714

Dear Ms. Kitchings:

Please accept this letter in lieu of a formal return to Appellant's Motion to Rule on Jurisdiction in referenced to the above-mentioned appeal, which the State understands remains pending at this time.

The referenced appeal was dismissed on January 11, 2021, and counsel filed a motion to reinstate. The State filed a letter on January 28, 2021, agreeing with the request to reinstate, referencing service of a notice of appeal on November 13, 2020. Thereafter, Appellant filed his motion to rule on jurisdiction.

On February 4, 2021, this Court granted Appellant's motion to reinstate, but the motion to rule on jurisdiction remains pending. It is unclear from the order granting the motion to reinstate whether the Court accepted the November 13th date or the December 23rd date.

The State maintains its position as set out in the January 28, 2021 letter that the appeal prompted by the November 13th service of the notice controls; the appeal should be dismissed without prejudice or the matter remanded to allow completion of post-trial motion proceedings; and the notice from December 23, 2020 dismissed as premature. The State also submits that the February 4, 2021 Order clarifies that this Court has accepted jurisdiction. Therefore, the only issue should be whether there is dismissal without prejudice or remand. The State respectfully leaves that decision to the discretion of the Court.

If the Court requires anything further, please do not hesitate to contact me.

Sincerely,

s/Melody J. Brown

Melody J. Brown
Senior Assistant Deputy Attorney General
S.C. Bar No: 14244

MJB/abb

cc: Thomas C. Brittain, Esquire (via email only)
Robert M. Dudek, Esquire (via email only)
Nancy R. Livesay, Esquire (via email only)
Christopher D. Helms, Esquire (via email only)
Victim Advocacy Division

Angela Bennett

From: Angela Bennett
Sent: Tuesday, February 16, 2021 3:08 PM
To: tommyb@brittainlawfirm.com; 'RDudek@sccid.sc.gov'; 'livesayn@horrycounty.org'; helmsc@horrycounty.org
Cc: Melody Brown
Subject: The State v. Javaline Tyree Dawkins
Attachments: 02491143.pdf
Follow Up Flag: Worldox

RECEIVED
Feb 16 2021
SC Court of Appeals

Counsel, please find attached the State's letter in lieu of a formal return to the Motion to Rule on Jurisdiction in the matter of Javaline Tyree Dawkins. The response will be filed with the Court of Appeals on today's date.

Thank you,

Angela Bennett Brown
Administrative Coordinator
Criminal Division
(803) 734-0368

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211