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S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

June 3, 2021

The Honorable Daniel E. Shearouse
Clerk of Court, Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

Re: **Fonnelze Delane v. State of South Carolina**
Appellate Case No. 2020-000654

Dear Mr. Shearouse:

On January 31, 2021, Petitioner filed two documents entitled petition for writ of certiorari with the Court. In accordance with the procedures set forth in Austin v. State, 305 S.C. 453, 246 S.E.2d 395 (1991), the first petition contains only a request for belated appellate review of the denial of post-conviction relief in his previous PCR action, and the second petition for writ of certiorari raises substantive issues regarding the denial of relief in his original PCR action.

At the evidentiary hearing in this matter, Respondent consented to Petitioner's request for belated appellate review pursuant to Austin. Therefore, Respondent does not intend to file a separate response Petitioner's first petition for writ of certiorari, which raises only the question of whether the PCR properly granted Austin relief. If the Court would prefer a formal response in the form of a return, Respondent will prepare one expeditiously.

However, Respondent does wish to respond to the substantive issues raised in the second petition for writ of certiorari pursuant to Austin v. State. Accordingly, Respondent is filing a return to that petition along with this letter.

Respectfully,

s/ Lindsey A. McCallister

Lindsey A. McCallister
Assistant Deputy Attorney General

cc: Elizabeth A. Franklin-Best, Esquire (by email only)
Victim Advocacy Division