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Aug 19 2021
SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

August 19, 2021

The Honorable Jenny A. Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211
Via AIS

Re: State v David Harold Campbell, 2017-001229

Dear Ms. Kitchings:

I am in receipt of this Court's August 18 order directing the recall of the remittitur in the above case. As this Court is aware, the Supreme Court issued an order dismissing the appeal on August 17, finding the Petitioner failed to serve and file the petition for writ of certiorari in accordance with Rule 242(c), SCACR. The same day as the Supreme Court's order, this Court issued the remittitur in the matter. I have not received any other communications from either court or Ms. Shurling since the aforementioned order and remittitur, and am not aware of a basis for which the remittitur should be recalled. Under Rule 221(b), SCACR: "Where a petition for rehearing has been denied, the Court of Appeals shall not send the remittitur to the lower court or administrative tribunal until the time to petition for a writ of certiorari under Rule 242(c) has expired." Based on my reading of the rule and the Supreme Court's order, I would respectfully assert that the Supreme Court has determined that the time to file the petition for writ of

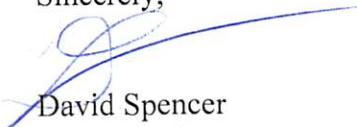


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certiorari has expired, and therefore, this Court should have a ministerial duty to issue the remittitur without apparent recourse for the petitioner. Based on this view, on behalf of the State of South Carolina, I would respectfully request that the recall of the remittitur be cancelled.

I am also forwarding a copy of this letter to opposing counsel.

Sincerely,


David Spencer
Senior Assistant Attorney General

cc: Tara Dawn Shurling, Esquire (tdslaw@shurlinglaw.com)

Caroline Collins

From: Caroline Collins
Sent: Thursday, August 19, 2021 10:31 AM
To: TDSLAW
Cc: David Spencer; William Blich
Subject: The State v. David Harold Campbell (2017-001229)
Attachments: CAMPBELL David - Letter Regarding Recall of Remittitur - 2017-001229 (02682254xD2C78).PDF

Good Morning Ms. Shurling,

Attached please find a letter regarding the recall of the remittitur in The State v. David Harold Campbell (2017-001229). This will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System.

If you will, please reply to confirm receipt of this email.

Thank you!

CAROLINE COLLINS, Administrative Coordinator
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