

The State of South Carolina

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DAVID M. PASCOE
Solicitor

October 28, 2021
(via email only)

RECEIVED

Oct 28 2021

S.C. SUPREME COURT

The Honorable Patricia A. Howard
Clerk, South Carolina Supreme Court
P.O. Box 11330
Columbia, South Carolina 29211

Re: The State v. Sammie Stokes
Lower Case No. 98-GS-38-1246, Orangeburg County
potential capital resentencing proceeding

Dear Ms. Howard:

In response to Ms. Holt's October 26, 2021 letter addressed to the Chief Justice requesting that a circuit court judge be appointed to resentence Sammie Stokes, the State submits that the Honorable Paul M. Burch, who was previously appointed and was the original trial judge, be allowed to continue to preside. The State would note the federal relief was premised on defense counsel error and not any issue or ruling by Judge Burch. (Opinion Attached).

The State also notes that while the District Court has issued an order setting the time for the resentencing proceeding to begin, the State, through the Attorney General's Office, will still be seeking certiorari review in the Supreme Court of the United States. As the District Court noted in its order, such petition is due to be filed by December 22, 2021. (See District Court Order, Holt Letter Attachment B, p. 1). We will notify this Court should the Supreme Court grant the petition to review the Fourth Circuit's opinion.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

Catherine M. Hunter
Assistant Solicitor, First Judicial Circuit

cc: Diana Holt, Esq. (via email only)
The Honorable David M. Pascoe, Solicitor, First Judicial Circuit (via email only)
David Osbourne, Assistant Solicitor, First Judicial Circuit (via email only)
Melody Brown, Senior Assistant Deputy Attorney General (via email only)