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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

December 23, 2021

Via ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchens
South Carolina Court of Appeals
Clerk of Court
1220 Senate Street
Columbia, SC 29201
Attn: Christina

Re: In the Matter of the Care and Treatment of Brian Valbert
Appellate Case No. 2020-000353

Dear Ms. Kitchens:

I received a deficiency letter dated December 22, 2021, in the above referenced case stating the respondent's initial brief and designation of matter were due no later than December 13, 2021, and must be filed no later than ten days from the date of the letter. As indicated on the cover page of the Initial Brief of Appellant filed on November 12, 2021, the initial brief was filed pursuant to In re McCoy, 360 S.C. 425, 602 S.E.2d 58 (2004), and the issues presented in the brief itself were labeled "non-meritorious."

McCoy held that the Anders no merit process does apply in sexually violent predator appeals. Therefore, in accordance with long standing procedure regarding no merit briefs, I did not believe a responsive brief was required and did not file one. If that procedure has changed, please let me know and I will prepare a responsive brief as quickly as possible.

Sincerely,

Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

DRJS/

cc: Michael Stephen Gambrell, Esquire (via email @ michael@michelgambrell-law.com)