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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CALHOUN COUNTY
Court of Common Pleas

Appellate Case Number 2017-002212

Mikal D. Mahdi..... Petitioner,

v.

State of South Carolina,Respondent.

**RESPONSE TO PETITION FOR AN ORDER ALLOWING DISPOSITION OF
THE PHYSICAL EVIDENCE OR BIOLOGICAL MATERIAL**

On January 25, 2022, pursuant to S.C. Code Ann. § 17-23-300 and Rule 606, SCACR, the Clerk of Court for Calhoun County served a Petition for an Order Allowing Disposition of the Physical Evidence or Biological Material, requesting permission for destruction of a Ruger Mini-14 (serial number 191-06151) “as this firearm is not sought for reassignment.”

On January 28, 2022, this Court requested undersigned counsel and counsel for the State report on the status of Mr. Mahdi’s federal *heabas corpus* case. Undersigned counsel advised this Court that Mr. Mahdi appealed the denial of his *habeas* petition to the Fourth Circuit Court of Appeals and provided copies of opinion dated December 20, 2021, the judgement of the Fourth Circuit, Mr. Mahdi’s petition for rehearing *en banc*, the temporary stay of the mandate, the Fourth Circuit’s request for a return to the petition for rehearing,

and the State's return to the petition for rehearing. Mr. Mahdi's petition for rehearing remains pending.

On February 2, 2022, this Court requested a response to the Petition for an Order Allowing Disposition of the Physical Evidence or Biological Material. Out of an abundance of caution, while Mr. Mahdi still has legal challenges to his conviction and sentence remaining, Mr. Mahdi believes the evidence should be retained in order to avoid any possibility of prejudice to Mr. Mahdi or the State. This Court, accordingly, should deny the Clerk of Court's petition without prejudice.

Respectfully Submitted,

By s/E. Charles Grose, Jr

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February 4, 2022
Greenwood, South Carolina

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Certificate of Service

I certify that I served this pleading on the State of South Carolina and the other parties listed below, by email, using counsel's primary email address listed in the Attorney Information System (AIS), as reflected below, on the date reflected below:

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¹ A paper copy was placed in the United States Mail, addressed to Mr. Hasty, at the address reflected above, on the same date as service by email.

Respectfully submitted,

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February 4, 2022
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