



ALAN WILSON
ATTORNEY GENERAL

April 28, 2022

RECEIVED
APR 28 2022

S.C. SUPREME COURT

The Honorable Patricia Howard
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211
Via hand delivery

Re: Maunwell Ervin v. State of South Carolina
Appellate Case Nos. 2020-000530 & 000574

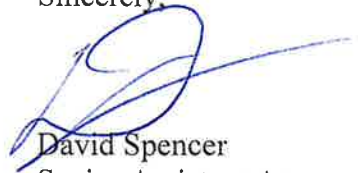
Dear Ms. Howard:

Please consider this the State's response to this Court's letter inquiring as to the effect of the expected completion of Mr. Ervin's sentences. Mr. Ervin was tried and convicted by a jury for possession with intent to distribute marijuana and possession with intent to distribute a controlled substance and sentenced for those convictions as second offenses. Subsequently, he pled guilty to trafficking cocaine, second offense. All those convictions were reversed by Judge Hayes' PCR orders granting new trials. The State contends the grant of PCR relief in both matters was not supported by probative evidence. The effect of letting the grant of relief stand would be the State would either need to retry those charges, or alternatively, should Mr. Ervin resume his illicit career in the future, he would be sentenced for second offense drug charges rather than third offenses, despite his pleading guilty to trafficking and despite the jury's verdict in the instant case. Therefore, the State desires to continue to prosecute its appeal of the grant of relief.

Please note, following the jury verdict, the Solicitor advised the sentencing court that Mr. Ervin was a major drug dealer in Greenwood and was someone bringing major amounts of cocaine from Atlanta.

Given the State's interest in enforcing drug offenses and defending properly attained convictions, the State believes that the completion of Mr. Ervin's sentences has no effect on the State's appeal as it still desires the relief requested of reversing the PCR court's grant of relief, and the State would ask that this Court give proper consideration to the State's arguments presented in its briefs.

Sincerely,



David Spencer
Senior Assistant Attorney General

cc: C. Rauch Wise, Esquire

RECEIVED

APR 28 2022

S.C. SUPREME COURT