



ALAN WILSON
ATTORNEY GENERAL

April 19, 2012

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S.C. Supreme Court

Honorable Daniel E. Shearouse
Clerk of the Supreme Court
State of South Carolina
Post Office Box 11330
Columbia, SC 29211

Re: Isiah T. Smith, 333407 v. State
2009-CP-40-8926

Dear Mr. Shearouse:

We are in receipt of the Johnson Petition for Writ of Certiorari. Respondent waives the filing of a formal Return in light of the position taken by Petitioner's counsel in this matter. Thus, it is our position that there is probative evidence in the record to support the ruling of the lower court. Such evidence meets the standard of review in these proceedings. Webb v. State, 281 S.C. 237, 314 S.E.2d 839 (1984).

By filing this informal Return, we understand that we are not waiving our right to brief any issue should this Court grant certiorari. By copy of this letter, I am serving opposing counsel with a copy of our informal Return.

Sincerely,

Robert D. Corney
Assistant Attorney General

RDC/jri

cc: Wanda H. Carter, Esquire