

THE CIRCUIT COURT OF SOUTH CAROLINA
FIFTH JUDICIAL CIRCUIT
1701 Main Street, Richland County Judicial Center
Columbia, South Carolina 29201

L. Casey Manning
Resident Judge
(803) 576-1773
(803) 576-1744 Fax

Reply to :
P.O. Box 192
Columbia, S.C. 29202



May 5, 2014

The Honorable Daniel E. Shearhouse
S.C. Supreme Court
Post Office Box 11330
Columbia, SC 29211

RECEIVED

MAY 08 2014

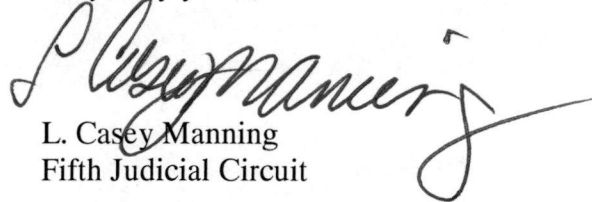
S.C. SUPREME COURT

Re: Sammie Stokes vs. State
2013-000635

Dear Mr. Shearhouse:

Pursuant to our conversation last Thursday in connection with the Stokes case, I request an extension to hold a reconstruction hearing. I've attached an e-mail from Mr. Bob Dudek which explains the reason for this request.

Very truly yours,


L. Casey Manning
Fifth Judicial Circuit

Attachment

GILBERT

25% COTTON

P.O. Box 11549
Columbia, S.C. 29211
803-734-3601
dzelenka@scag.gov

From: Robert M. Dudek [<mailto:RDudek@sccid.sc.gov>]
Sent: Wednesday, April 30, 2014 11:24 AM
To: cmanningj@sccourts.org
Cc: cmanningjlc@sccourts.org; Don Zelenka
Subject: Sammie Stokes v. State, 2013-000635

Judge Manning:

I understand our deadline to hold the reconstruction hearing in this case is Monday, May 5, 2014 as we discussed today. I have forwarded to Don Zelenka a scanned and a hard copy of what purports to be a copy (scanned by PCR counsel Lominack) of each of the two Applicant's exhibits (Thomas Sims research notebooks) that were apparently lost by the Orangeburg County Clerk of Court after their admission at the PCR hearing. I understand that Don will discuss the copies of these exhibits with Thomas Sims since these are copies of his research notebooks that were admitted at the PCR hearing and then lost. I have discussed the copies with Keir Weyble and Robert Lominack. There is the possibility this reconstruction hearing could end with a stipulation but there is also the possibility that there will need to be a full evidentiary hearing.

The present problems are my Mother died on April 17, 2014, and I have had to attend to her funeral and burial although I was only out of the office from Thursday, April 17 – Tuesday, April 22, 2014. Further, Don Zelenka is involved in the Torres death penalty PCR in Spartanburg before Judge Cole. I understand the Applicant's case restarted again today with no apparent end in sight since the state has not even begun its case.

If any additional information is required or desired please call upon me. Best –

Bob Dudek
734-1955

Robert M. Dudek
Chief Appellate Defender
South Carolina Commission on Indigent Defense
Appellate Division
1330 Lady Street, Suite 401
PO Box 11589
Columbia, SC 29201-1589
(803) 734-1330 – Telephone
(803) 734-1397 - Fax

Need to
request
extension
Monday

RECEIVED

MAY 08 2014

S.C. SUPREME COURT

RE: Sammie Stokes v. State, 2013-000635

Robert M. Dudek [RDudek@sccid.sc.gov]

Sent: Thursday, May 01, 2014 10:09 AM

To: Don Zelenka [DZelenka@scag.gov]; Manning, L. Casey

Cc: cmanningjlc@sccourts.org; thomas_sims_esq@yahoo.com

Don:

Thank you. I am forwarding this email to the PCR trial level attorneys. I will be in touch.

Bob Dudek
734-1955

Robert M. Dudek
Chief Appellate Defender
South Carolina Commission on Indigent Defense
Appellate Division
1330 Lady Street, Suite 401
PO Box 11589
Columbia, SC 29201-1589
(803) 734-1330 – Telephone
(803) 734-1397 - Fax

From: Don Zelenka [mailto:DZelenka@scag.gov]
Sent: Thursday, May 01, 2014 9:17 AM
To: Robert M. Dudek; cmanningj@sccourts.org
Cc: cmanningjlc@sccourts.org; thomas_sims_esq@yahoo.com
Subject: RE: Sammie Stokes v. State, 2013-000635

Judge Manning, et al. –

Please be advised that I provided the materials received through Mr. Dudek to Thomas Sims for his review and verification. He has advised me that “to the best of my recollection this is part of the information that I was shown at the hearing” and “I believe that I stated at the hearing that this was not all the research I did.” Upon my own recollection, these documents appear consistent with my own recollection. As I had stated I was not provided a personal copy of the materials at the hearing.

It appears that this would resolve the issue related to the missing exhibits and I would consent to a stipulation of the fact to have them as a replacement.

Let me know if you need anything else. I will be in the office the remainder of the week having concluded – temporarily – the hearing in Spartanburg yesterday.

Sincerely,

Don Zelenka

Donald J. Zelenka
Senior Assistant Deputy Attorney General
South Carolina Attorney General’s Office