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SC Court of Appeals



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November 20, 2023

The Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, S.C. 29211

Re: State v. Terrence O'Neil Frazier, Appellate Case No. 2023-001439

Dear Ms. Kitchings:

I am in receipt of this Court's November 16, 2023, letter regarding the status of the transcript and initial brief in this matter.

On November 27, 2019, this Court remanded this matter to the circuit court for a hearing to determine whether Mr. Frazier's waiver of counsel was knowingly and intelligently made. *See* Appellate Case No. 2015-002464; *State v. Frazier*, Op. No. 2019-UP-371 (S.C. Ct. App. Nov. 27, 2019). The remittitur was issued December 18, 2019.

The circuit court, Honorable Eugene C. Griffith, Jr., held the remand hearing on March 3, 2023. On August 25, 2023, the circuit court signed an order in which it found Mr. Frazier's waiver of his right to counsel was not knowingly and intelligently made. On August 30, 2023, the circuit court emailed the order to undersigned counsel, counsel for the State, and the Greenwood County Clerk of Court. Undersigned counsel filed and served a notice of intent to appeal on September 11, 2023, purely for the purpose of returning jurisdiction to the Court of Appeals. Later that same day, the State, as the aggrieved party, also filed and served notice of intent to appeal.

A transcript of the remand hearing is in existence and is in possession of both parties. Consequently, there is no outstanding transcript to be ordered. The State's Initial Brief of Appellant was due on November 13, 2023. The State filed a request for an extension on November 13, 2023. An extension was granted, and the State's Initial Brief of Appellant is now due December 13, 2023. Undersigned counsel will file our Initial Brief of Respondent once the State files its Initial Brief of Appellant.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,



Joanna K. Delany
Appellate Defender

JKD/smm

cc: Joshua A. Edwards, Esq.
David M. Stumbo, Esq.