



ALAN WILSON  
ATTORNEY GENERAL

August 12, 2013

The Honorable Claire V. Allen  
Deputy Clerk, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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AUG 12 2013

SC Court of Appeals

**Re: Ricardo Johnson v. State of South Carolina**  
**Appellate Case No. 2008-100491**  
**Lower Court Case No. 2007-CP-38-0740**

Dear Ms. Allen:

In response to the Court's inquiry regarding a transcript from May 22, 2008, in the above-referenced case I have reviewed the Attorney General's closed files. I do not find a transcript in those files. However, I found in the file the attached report by Lance Boozer, the Assistant Attorney General at the time of the hearing. Mr. Boozer's report of the May 21, 2008, hearing indicates that "after counsel's testimony, State consented to belated appeal;..." I have also reviewed the May 21, 2008, transcript (Appx. pp. 352-372) and the order granting belated review (Appx. pp. 373-376). Based on Mr. Boozer's report, the items included in the appendix, and my experience, I believe the most likely scenario would be that the State consented to the belated appeal following the hearing, thereby eliminating the necessity of additional witness testimony, and notified Applicant's counsel off record. In order to determine if this may have been the case, I have e-mailed Joshua Koger, Esquire, the Applicant's PCR attorney, to see if he has notes or recollection which would assist us in this matter.

Sincerely,

Mary S. Williams  
Assistant Attorney General  
SC Bar No. 76192



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MSW/ck

Encl.

1. Attorney's Report of Trial or Hearing

cc: Benjamin John Tripp, Esquire

Attorney's  
Report of Trial or Hearing

To be prepared by the attorney and submitted to the Attorney General and Chief Deputy each time an attorney appears in any court.

Attorney: Lance S. Boozer Section: PCR

Other AAG(s) appearing: N/A

Opposing counsel: Josh Koger

Case name: Ricardo Johnson

Day & date of appearance: May 21, 2008 Time: 11:45 am


Court: Circuit County: Orangeburg

Judge: James C. Williams, Jr.

Type of trial or hearing: PCR  
(eg. Jury trial, bench trial, motions(s), jury selection, guilty plea, sentencing, appellate argument, roster meeting, post-conviction relief hearing.)

Description of event, issues and result  
Evidentiary hearing held on issue of belated PCR appeal; after counsel's testimony, State consented to belated appeal; no appealable issues

May 27, 2008  
Date

  
Attorney

Distribution  
Origin Attorney General  
Copies - Chief Deputy  
Legal file