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SC Court of Appeals



ALAN WILSON
ATTORNEY GENERAL

October 25, 2024

The Honorable Jenny Abbott Kitchings
Clerk, The South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Benjamin J. Hays v. State of South Carolina
Appellate Case No. 2024-000929

Dear Ms. Kitchings:

On October 9, 2024, the State, with consent of Appellant, filed a motion to hold this appeal in abeyance while the parties sought an opinion from a transcription service as to whether a transcript could be produced from a recently discovered audio recording of the underlying trial before the magistrate judge. In an order dated October 22, 2024, the Court granted the State's motion, ordered the appeal would be held in abeyance for thirty (30) days from the order, and directed the parties to provide a status update immediately upon receipt of the transcript or upon expiration of the 30 days, whichever occurs first.

Please be advised that counsel for Mr. Hays has communicated with a retired court reporter regarding the possible transcription of the September 26, 2023 magistrate trial. She listened to the entire recording and has now advised that the quality is so bad in areas that she does not think she would be able to prepare a sufficient transcript for review. She noted that in some places it is perfectly clear and in others there is some kind of white noise rendering the speakers inaudible. Based on this opinion and the parties understanding that she cannot successfully transcribe the entire recording, the State intends to simply file the Initial Brief of Respondent and Designation of Matter by the expiration of the 30 days indicated in the Court's order, which would be November 21, 2024. Counsel for Mr. Hays indicates he consents to this proposal. Please advise if this is acceptable to the Court and I will calendar the due date

accordingly. Thank you.

Sincerely,



J. Benjamin Aplin
Assistant Attorney General
S.C. Bar Number 8729

JBA/ss

cc: William Sylvester Hammett, III, Esquire (via electronic service)
Victim Advocacy Division