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OF COUNSEL
O. Eugene Powell, Jr.

September 3, 2013

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

RE: Matthew S. McAlhaney v. Richard K. McElveen, Sr.
Court of Appeals Case Tracking No. 2010-167969
Common Pleas Case Number 2007-CP-07-2373

Dear Ms. Allen:

This letter is in response to your letter last week requesting a status update in this case.

The court's file should contain a letter that I sent in May in which I advised that the circuit court had conducted a hearing in the case, that I had received the transcript of that hearing, and that I was prepared to move forward with the appeal. I have attached a copy and hope it is helpful.

Please let me know if there is any additional information I can provide. Once the court recalls its remand, I will be prepared to begin the briefing process. Due to briefing and argument obligations in other cases, it is likely that I will need to seek some extension of the briefing deadlines, but as my earlier letter indicated, the appellant is prepared to move forward.

Thank you for your kind attention to this letter. I remain

Yours sincerely,

Blake Hewitt

Blake Hewitt

Remanded with permission

SEP 05 2013

SC Court of Appeals

cc: Robert V. Mathison, Jr., Esquire

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May 1, 2013

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

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RE: Matthew S. McAlhaney v. Richard K. McElveen, Sr.
 Court of Appeals Case Tracking No. 2010-167969
 Common Pleas Case Number 2007-CP-07-2373

Dear Ms. Kitchings:

The file will reflect that your court remanded this case to allow the trial court to conduct a hearing because the trial transcript was incomplete. The Circuit Court in Beaufort County conducted a hearing for this purpose on March 7th. On April 19th, I received the transcript of this hearing from the court reporter.

During the hearing, the respondent's counsel expressed a desire to conduct a detailed reconstruction of some of the testimony that was not contained in the transcript. I do not have an objection to that request, but I do not know where that process stands. I am prepared to move forward with this appeal, but I am not willing to begin briefing until the record is closed.

COPY

Yours sincerely,

Blake Hewitt

Blake Hewitt

w/permission emb

BLUESTEIN, NICHOLS, THOMPSON &
 DELGADO, LLC

cc: Robert V. Mathison, Jr., Esquire

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