

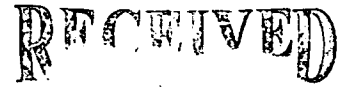
STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

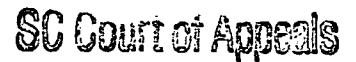
Appeal from Abbeville County

L. Casey Manning, Circuit Court Judge

 ORIGINAL

 RECEIVED

OCT 08 2013

 SC Court of Appeals

MICHAEL EDWARD HOCKADAY,

APPELLANT,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case #2009-146387

PETITION FOR ORDER
TO RECONSTRUCT THE RECORD OF
APPELLANT'S GUILTY PLEA AND SENTENCING

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the undersigned counsel requests an order requiring the parties to reconstruct the record of Appellant's guilty plea held on September 18, 2007 and sentencing held on December 4, 2007 before the Honorable L. Casey Manning.

In accordance with Rule 240(c)(3), SCACR, Appellant submits the following documents to support this Petition: indictments (Exhibit #1); sentence sheets (Exhibit #2); transcript dated November 13, 2009 (Exhibit #3); email from Jo Rice dated March 8, 2013 (Exhibit #4); email from Crystal Holmes dated September 3, 2013 (Exhibit #5).

The procedural history of Appellant's case is as follows. On November 27, 2006, an Abbeville County grand jury indicted Appellant for carrying a pistol unlawfully (2006-GS-01-652) and trafficking in cocaine (2006-GS-01-653). On September 18, 2007, Appellant appeared before Judge Manning and entered guilty pleas to the charges. W. Townes Jones represented Appellant, and Elizabeth White represented the state. Exhibit #2. At the conclusion of the guilty plea hearing, Judge Manning deferred sentencing for thirty days. Exhibit #3 (Tr. 2, lines 6-8). Due to the conflicting schedules of the parties, the sentencing hearing took place on December 4, 2007. Exhibit #3 (Tr. 2, lines 11-12). Appellant was not present. Exhibit #3 (Tr. 2, lines 12-13). Judge Manning imposed a sentence, which he placed under seal. Exhibit #3 (Tr. 2, lines 16-18).

On November 13, 2009, Appellant appeared before the Honorable Eugene C. Griffith for the reading of his sentence. White and Jones also appeared at the hearing. Exhibit #3 (Tr. 1). Judge Griffith read the sentences: twenty years' imprisonment for the cocaine charge and one year imprisonment for the pistol charge. Exhibit #3 (Tr. 3, line 23 – Tr. 4, line 9). The sentence sheets do not indicate whether the sentences are to run concurrently or consecutively. Exhibit #2.

On November 13, 2009, Appellant filed a motion to reconsider sentence. Exhibit #3 (Tr. 4, line 23 – Tr. 5, line 3). This motion remained pending for some time. On January 31, 2013, this Court wrote a letter to Appellant's plea counsel, Jones, explaining that the Court received a copy of the order denying the motion to reconsider sentence, and the

appeal was no longer being held in abeyance.¹ Thereafter, this Court appointed the Office of Appellate Defense to represent Appellant.

The Office of Appellate Defense requested the transcripts from the court reporter. Counsel received the transcript of the “reading of sealed sentence,” but did not receive the transcript of the guilty plea or the sentencing proceeding. On March 8, 2013, the court reporter for the guilty plea proceeding wrote to the Office of Appellate Defense advising that she did not have any files from 2007. Exhibit #4. On September 3, 2013, the court reporter for the sentencing proceeding advised that she no longer had the tapes. Exhibit #5. Therefore, undersigned counsel has been unable to obtain the transcript of the guilty plea and sentencing.

The transcript of the guilty plea proceeding and sentencing proceeding are necessary in order to allow review of Appellant’s guilty plea and sentence as it contains the only evidence on which Appellant could base an appeal. At the reading of the sealed sentence, the prosecution explained that Judge Manning indicated he would sentence Appellant to the mandatory minimum of five years’ imprisonment if Appellant appeared at the sentencing proceeding, which was to take place in thirty days. Exhibit #3 (Tr. 4, lines 11-22). However, Appellant failed to show, and Judge Manning sentenced him to twenty years’ imprisonment. Appellant expressed to the judge that his failure to appear was not the result of voluntary conduct. He explained he had been in jail in Columbia on other charges until the week before the sentencing proceeding and was unable to travel to Abbeville because he had no driver’s license. As a result of the unavailability of the

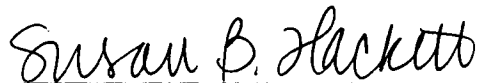
¹ Appellant’s mother filed a notice of appeal on Appellant’s behalf in 2009. This Court subsequently learned of the pending motion, and held the appeal in abeyance by order dated January 8, 2010. Additionally, this Court regularly inquired of the status of the appeal through written correspondence to Appellant’s plea counsel.

transcripts and the potential appellate issues presented, counsel requests reconstruction of the hearing.

When a trial transcript has been lost or destroyed, the Court may remand to have the record reconstructed. See Whitehead v. State, 352 S.C. 215, 574 S.E.2d 200 (2002); China v. Parrott, 251 S.C. 329, 162 S.E.2d 276 (1968); see also Deaton v. Leath, 279 S.C. 82, 302 S.E.2d 335 (1983) (granting the appellant's motion to set aside convictions and remand for a new trial where the court reporter's equipment malfunctioned and there was no transcript of the trial court proceedings in the case from which to base an appeal).

WHEREFORE, the undersigned counsel requests an order for the reconstruction of the record of Appellant's guilty plea and sentencing proceedings in order to perfect Appellant's direct appeal in the case. In addition, undersigned counsel requests the time periods for filing Appellant's initial brief and designation of matter be held in abeyance pending this Court's decision on this petition.

Respectfully submitted,



Susan B. Hackett
Appellate Defender

October 2, 2013

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Abbeville County
L. Casey Manning, Circuit Court Judge

MICHAEL EDWARD HOCKADAY,

APPELLANT,

V.


STATE OF SOUTH CAROLINA,

RESPONDENT

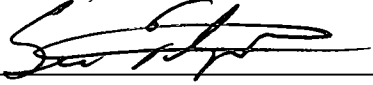
Appellate Case #2009-146387

Affidavit of Susan B. Hackett

I am the attorney assigned to represent Michael Edward Hockaday. My office contacted the court reporters to request the transcripts from the September 18, 2007 and December 4, 2007 hearings. The court reporters stated the records were no longer available.


Susan B. Hackett

SWORN TO BEFORE ME this 2nd day
of October, 2013.


_____(L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
OCT 02 2013
SC Court of Appeals

Appeal from Abbeville County
L. Casey Manning, Circuit Court Judge

MICHAEL EDWARD HOCKADAY,

APPELLANT,

v.

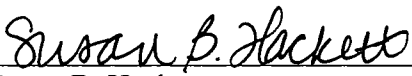
STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case #2009-146387

CERTIFICATE OF SERVICE

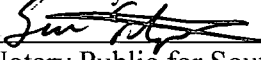
The undersigned attorney hereby certifies the petition for order to reconstruct the record of Appellant's guilty plea and sentencing proceedings in the above referenced case has been served upon Salley W. Elliott, Esquire, Assistant General, Office of the Attorney General, at Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201, and Michael Edward Hockaday, # 276153, at Broad River Correctional Institution, 4460 Broad River Road, Columbia, SC 29210, this 2nd day of October, 2013.



Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 2nd day of October, 2013.



(L.S.)
Notary Public for South Carolina
My Commission Expires: October, 30 2022.

EXHIBIT

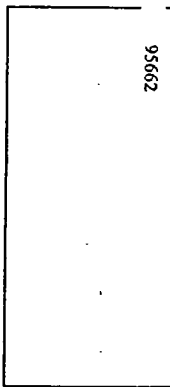
1

WITNESSES

Raymond Vandiver

WARRANT NUMBERS

95662



[Signature]
Foreman of the Grand Jury

Date:

VERDICT

True Bill

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF ABBEVILLE

COURT OF GENERAL SESSIONS

November Term, 2006

Indictment # 06GS01-

652

THE STATE

vs.

MICHAEL EDWARD HOCKADAY, JR.

INDICTMENT FOR

CARRYING PISTOL UNLAWFULLY

V

THE STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

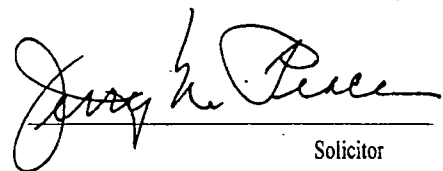
INDICTMENT FOR
CARRYING PISTOL UNLAWFULLY

At a Court of General Sessions, convened on the 27th day of November, 2006, the Grand Jurors of Abbeville County present upon their oath:

COUNT ONE

That MICHAEL EDWARD HOCKADAY, JR., did in Abbeville County, state aforesaid, on or about the 9th day of October, 2006, wilfully and unlawfully carry about the person a pistol, in violation of Section 16-23-20 of the South Carolina Code of Laws, 1976, as amended

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.


Solicitor

WITNESSES

Raymond Vandiver

WARRANT NUMBERS

J95661



Date:

NOV 2 2006
Foreperson of the Grand Jury

Stephen Beck

VERDICT

TALES B, II

Foreman

THE STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

COURT OF GENERAL SESSIONS

November Term, 2006

Indictment # 06GS01-653

THE STATE

vs.

MICHAEL EDWARD HOCKADAY, JR.

INDICTMENT FOR

TRAFFICKING IN COCAINE

2

**THE STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE**

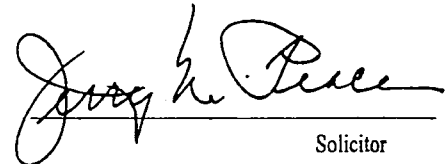
**INDICTMENT FOR
TRAFFICKING IN COCAINE**

At a Court of General Sessions, convened on the 27th day of November, 2006, the Grand Jurors of Abbeville County present upon their oath:

COUNT ONE

That MICHAEL EDWARD HOCKADAY, JR., did in Abbeville County, state aforesaid, on or about the 9th day of October, 2006, wilfully, unlawfully and knowingly traffick in cocaine, to wit: that the said defendant(s) did sell, manufacture, cultivate, deliver, purchase, or bring into this State, and/or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State, and/or was knowingly in actual possession or did knowingly attempt to become in actual or constructive possession more than 10 grams, but less than 28 grams of cocaine, a Schedule II controlled substance under the provisions of Title 44, Chapter 53, Article 3 of the South Carolina Code of Laws, 1976, as amended, in violation of Section 44-53-370 of the South Carolina Code of Laws, 1976, as amended

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.


Solicitor

EXHIBIT

2

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF ABBEVILLE

STATE VS.

MICHAEL EDWARD HOCKADAY

INDICTMENT/CASE#: 06GS01-0652

A/W#: J-095662

AKA:

Date of Offense: 10/9/2006

Race: BLK Sex: M Age: 30

S.C. Code §: 16-23-020

DOB: 30/10/1976 SS#: 302-84-4197

CDR Code # 0 0 4 4

Address: 405 Varday Street

City Greenville, State SC Zip

DL# 0007445406 SID#

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was [] CONVICTED OF or [X] PLEADS

TO: Unlawful Carrying of Pistol (upto 1 yr) in violation of § 16-23-20 of the S.C. Code of Laws, bearing CDR Code # 0 1 0 1 4 1 4

[] NON-VIOLENT [] VIOLENT [] SERIOUS [] MOST SERIOUS [] Mandatory GPS (CSC w/minor 1st or Lewd Act) [] 17-25-45

The charge is: [X] As Indicted, [] Lesser Included Offense, [] Defendant Waives Presentment to Grand Jury. (Defendant Initial) The plea is: [X] Without Negotiations or Recommendation, [] Negotiated Sentence, [] Recommendation by the State.

ATTEST:

Elizabeth White Solicitor Michael Hockaday Defendant W. Rung Attorney for Defendant

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections, [] County Detention Center, for a determinate term of 1 days/months/years or [] under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

[] CONCURRENT or [] CONSECUTIVE to sentence on: The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

[] RESTITUTION: [] Heard, [] Waived, [] Ordered PTUP days/hours Public Service Employment Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol Testing Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other:

Table with 2 columns: Description and Amount. Includes items like \$14-1-206 (Assessments 107.5%), \$14-1-211(A)(1) (Conv. Surcharge) \$100, \$14-1-211(A)(2) (DUI Surcharge) \$100, \$56-5-2995 (DUI Assessment) \$12, \$35.13 (Public Def/Prob) \$500, \$73.3, 1B TP (Law Enforce. Funding) \$25, \$33.7, 1B TP (Drug Court Surcharge) \$100, \$50-21-114(BUI Breath Test Fee) \$50, \$56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$, TOTAL \$125.

Appointed PD or appointed other counsel, \$35.13 TP Requires \$500 be paid to Clerk during probation.

Terri M. Mahan Clerk of Court/ Deputy Clerk Court Reporter: Jo Rice

PRESIDING JUDGE Casey A. Remington Judge Code: 1 2061 1 Sentence Date: 11-13-09

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF ABBEVILLE

STATE VS.

MICHAEL EDWARD HOCKADAY

INDICTMENT/CASE#: 06GS01-0653

A/W#: J-095661

AKA:

Race: BLK Sex: M Age: 30

DOB: 30/10/1976 SS#: 302-84-4197

Address: 405 Varday Street

City Greenville, State SC Zip

DL# 0007445406 SID#

Date of Offense: 10/9/2006

S.C. Code §: 44-53-370

CDR Code # 0147

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Trafficking Cocaine 10g-28g (5-30 yrs) in violation of § 44-53-370 of the S.C. Code of Laws, bearing CDR Code # 0131817

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS (CSC) 17-25-45 w/minor 1st or Lewd Act

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Elizabeth White Solicitor, Michael Hockaday Defendant, W. Turner Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 20 days/months/years under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

SPECIAL CONDITIONS:

RESTITUTION: Heard, Waived, Ordered. Total: \$ plus 20% fee: \$ PTUP days/hours Public Service Employment Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol Testing

Table with columns for Recipient, *Fine, and amounts. Includes items like Assessments 107.5%, Conv. Surcharge, DUI Surcharge, DUI Assessment, Public Def/Prob, Law Enforce. Funding, Drug Court Surcharge, BUI Breath Test Fee, Vehicle Assessment, 3% to County, and TOTAL \$225.00.

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other:

Family Mc Mahan Clerk of Court/ Deputy Clerk Court Reporter: Jo Rice

Appointed PD or appointed other counsel, \$35.13 TP Requires \$500 be paid to Clerk during probation. PRESIDING JUDGE Judge Code: 1 20611 1 Sentence Date: 11/13/09

EXHIBIT

3

STATE OF SOUTH CAROLINA) IN THE EIGHTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON) THE COURT OF GENERAL SESSIONS
) 2006-GS-01-00652,00653
THE STATE OF SOUTH CAROLINA,)
)
PLAINTIFF,)
)
VERSUS)
)
)
MICHAEL HOCKADAY,)
)
DEFENDANT.) DATE: NOVEMBER 13, 2009
ABBEVILLE, SOUTH CAROLINA

READING OF SEALED SENTENCE

B E F O R E:

THE HONORABLE EUGENE C. GRIFFITH

A P P E A R A N C E S:

ELIZABETH WHITE
ATTORNEY FOR THE STATE

W. TOWNES JONES, ESQUIRE
ATTORNEY FOR THE DEFENDANT

PROVIDED FOR: W. TOWNES JONES, ESQUIRE

FOR COPIES CONTACT: JO RICE
jrice@sccourts.ORG
OFFICIAL COURT REPORTER
SOUTH CAROLINA JUDICIAL DEPARTMENT

1 MS. WHITE: May it please the Court?

2 THE COURT: Yes, ma'am.

3 MS. WHITE: Your Honor, standing before you is Michael
4 Hockaday. He pled guilty on Indictment 2006-652 to
5 trafficking cocaine or crack cocaine on September 18, 2007
6 before The Honorable Casey Manning. He deferred sentencing
7 for thirty days in order to allow Mr. Hockaday to wrap up
8 some affairs. When it came time to have the sentencing
9 hearing, we had some issues getting Mr. Jones, myself and
10 Judge Manning all on the same page in terms of when and
11 where to do it. The sentencing hearing finally took place
12 on December 4, 2007. Mr. Hockaday did not appear at that
13 hearing. It's my understanding Mr. Jones made numerous
14 attempts to reach him and actually Mr. Hockaday was on, I
15 believe, electronic monitoring in Greenville and had
16 actually absconded from that monitor. Judge Manning went
17 ahead with the sentencing in Mr. Hockaday's absence and
18 issued a sealed sentence. Mr. Hockaday has since been
19 arrested in Greenville County and we had him brought back
20 today so we can open the sentence.

21 THE COURT: This is what we did the transport order
22 for.

23 MS. WHITE: Yes, sir.

24 THE COURT: Mr. Jones, you mentioned some family.

25 MR. JONES: His mother was here yesterday. She drove

1 up from Atlanta, Judge, and she visited her mother in Mr.
2 Carmel, but couldn't stay the night. She had obligations
3 at work. She had to return, but she was here, yes, Your
4 Honor. His Mama still loves him.

5 MR. HOCKADAY: Yes, she does. I want to apologize.
6 If I can say something. When I came to court, I mean, they
7 gave me thirty days to turn myself in. They did give me
8 thirty days to turn myself in, but after the thirty day
9 period, the court was in recess and so then I got arrested
10 for those tickets. Those tickets didn't get tried in the
11 case with the charges and I thought they did. I went and
12 did time for the tickets and when I got released from
13 Columbia, then the court date was like a week later after
14 that and I didn't have no driver's license, I didn't have
15 no way down here. My mother stays in Georgia and I didn't
16 have no way to get down here. I tried to make arrangements
17 so we could make a date so I could turn myself in. I
18 really had no intentions of trying to stay away from court
19 and so I just want to apologize.

20 THE COURT: Okay. Ms. McMahon, could you open that
21 for me?

22 (Clerk of Court opens sealed envelope)

23 THE COURT: For the record, I have two docket sheets,
24 two indictments and two sentencing sheets. Indictment
25 06-GS-01-652, carrying a pistol unlawfully and 653,

THE STATE OF SOUTH CAROLINA VERSUS MICHAEL HOCKADAY

1 trafficking cocaine.

2 From the sentence sheet for carrying a pistol
3 unlawfully, Indictment 652, you are sentenced to The
4 Department of Corrections for the determinate term of one
5 year, signed by Judge Manning.

6 Regarding the trafficking cocaine, second offense, the
7 defendant is committed to The Department of Corrections for
8 a determinate term of twenty years. No special conditions,
9 signed by Judge Manning.

10 Good luck to you, Mr. Hockaday.

11 MR. JONES: Your Honor, if I could, and I realize this
12 is not -- this is simply for the record, if I could. At
13 this time, I would like to point out that Judge Manning
14 exercised the discretion that he had by veering from the
15 negotiations in the case. There was a recommended
16 sentence, I believe, Ms. White...

17 MS. WHITE: If I recall, the sentencing sheet should
18 actually -- that's right. It was a straight up plea.
19 Judge Manning indicated he would do five or whatever the
20 minimum was if Mr. Hockaday showed at the end of the thirty
21 days, but that he would not if the defendant failed to
22 show. It was a straight up plea.

23 MR. JONES: Correct, and all that I wanted to do, Your
24 Honor, is make a motion here today for a reconsideration of
25 the sentence and file it with the Clerk so that if, you

1 know, Mr. Hockaday is able to find somebody to go forward
2 with the motion and Judge Manning would entertain the
3 motion, then he could have the motion heard.

4 THE COURT: I believe your motion has been made and
5 there is a record of it.

6 MR. JONES: Yes, sir. Thank you, Judge.

7 THE COURT: Good luck, Mr. Hockaday.

8 MS. WHITE: Thank you, Your Honor.

EXHIBIT

4

E E 13-067
Loriene P. French

From: Rice, Jo [JRice@sccourts.org]
Sent: Friday, March 08, 2013 1:43 PM
To: Allen, Desiree
Cc: Loriene P. French
Subject: RE: Michael Edward Hockaday

I checked my files at the Courthouse and I do not have any files from 2007. I'm sorry it can't be typed. Jo Rice
10th Circuit Court Reporter

From: Allen, Desiree
Sent: Thursday, March 07, 2013 11:28 AM
To: Loriene P. French
Cc: Rice, Jo
Subject: RE: Michael Edward Hockaday

Loriene, I have cut and pasted the portion of Rule 607 she is referring to below:

(i) Retention of Tapes. Except as provided below, a court reporter shall retain the primary and backup tapes of a proceeding for a period of at least five (5) years after the date of the proceeding, and the court reporter may reuse or destroy the tapes after the expiration of that period. If the proceeding was a hearing or trial which lasted for more than one day, the time shall be computed from the last day of the hearing or trial. In any proceeding which has been transcribed, the court reporter shall retain the primary and backup tapes which have been transcribed for a period of at least thirty (30) days after the original transcript is sent to the requesting party, to allow any party to challenge the accuracy of the transcription. If no challenge is received by the court reporter within the thirty (30) day period, the tapes may be reused or destroyed.

Her response sounds like the records no longer exist to produce a transcript. Please confirm this, Jo.

-----Original Message-----

From: Loriene P. French [mailto:LFrench@sccid.sc.gov]
Sent: Thursday, March 07, 2013 11:09 AM
To: Allen, Desiree
Cc: Rice, Jo
Subject: FW: Michael Edward Hockaday

Desiree,

Sharon spoke with you yesterday about the below mentioned transcript that was over five years old. I don't know what the rules are, but you told Sharon the court reporter could provide it if she still had the records. I still don't know if the record exists. However, if the record exists, it does not seem feasible that we would have to make a motion to reconstruct the record when there already is one. I would appreciate your advice concerning this matter.

Loriene French

-----Original Message-----

From: Rice, Jo [mailto:JRice@sccourts.org]
Sent: Wednesday, March 06, 2013 4:41 PM
To: Loriene P. French
Subject: RE: Michael Edward Hockaday

According to Rule 607, I cannot provide this transcript for you since it is over five years old. Thank you.

EXHIBIT

5

Loriene P. French

From: Holmes, Crystal [CHolmes@sccourts.org]
Sent: Tuesday, September 03, 2013 5:31 PM
To: Loriene P. French
Subject: RE: Michael Hockaday

Ms. French,

I no longer have the tapes for the above-referenced request. Rule 607 states we have five years after the date of the proceedings where we are able to destroy those tapes or reuse them. The date for the request is over that five year mark. Sorry for any inconvenience.

Thanks,

Crystal Holmes
Circuit Court Reporter
5th Circuit

From: Loriene P. French [LFrench@sccid.sc.gov]
Sent: Tuesday, September 03, 2013 12:09 PM
To: Holmes, Crystal
Subject: FW: Michael Hockaday

From: Loriene P. French
Sent: Tuesday, August 27, 2013 12:00 PM
To: 'cholmes@sccourts.org'
Subject: Michael Hockaday

Sorry! Here are the attachments.

Loriene