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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

March 7, 2025

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

RE: State v. James Walter Owens – Appellate Case No. 2022-001458

Dear Ms. Kitchings:

In the above-referenced criminal appeal, this Court remanded the matter to the circuit court for reconstruction of the record due to the unavailability of the trial transcript. Thereafter, through an order dated February 19, 2025, the Honorable R. Ferrell Cothran, Jr., circuit court judge, found the record unfortunately could not be reconstructed under the circumstances involved. Based on that finding, the appellant, James Walter Owens, has now filed a motion seeking for this Court to grant him a new trial. Please accept this letter in lieu of a formal return.

Based on the finding made by Judge Cothran, the record from Owens's trial regrettably cannot be reconstructed due to "an unfortunate confluence of events" and with "no fault on the part of Owens or the State." As a result, no portion of the trial transcript is available, and no meaningful appellate review can occur in Owens's case through no fault of the parties. Therefore, the State does not oppose Owens's new trial motion under the specific and unfortunate circumstances involved. State v. Ladson, 373 S.C. 320, 325, 644 S.E.2d 271, 274 (Ct. App. 2007).

Thank you very much, and, if you should have any questions or concerns or if a more formal return is desired, please do not hesitate to contact me.

Sincerely,

Mark R. Farthing
Senior Assistant Deputy Attorney General
S.C. Bar Number 76901

MRF/

cc: David Alexander, Esq.
Deputy Solicitor Curtis A. Pauling, III
Senior Assistant Solicitor Kathryn Cavanaugh
Victim Advocacy Division