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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

Division of Appellate Defense
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

October 15, 2013

Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RECEIVED

OCT 15 2013

SC Court of Appeals

Re: State v. Sean Philip Smith, Appellate Case No. 2012-212664

Dear Ms. Kitchings:

On October 1, 2013, the Court of Appeals granted a petition for order to remand the above-referenced case for reconstruction of the hearing concerning Mr. Smith's filing of a motion for reconsideration. The order directed me to contact counsel for the respondent and the Honorable Edgar W. Dickson within ten days of the order. The order also directed me to provide this Court with an update no later than fifteen days from the date of the order.

On October 8, 2013, I wrote a letter to Judge Dickson, which I copied to the Attorney General's Office and the Assistant Solicitor. A copy of this letter is enclosed for the Court's convenience. On October 10, 2013, Salley Elliott, Esquire wrote a letter to the Solicitor for the First Judicial Circuit. I am enclosing a copy of the letter for your convenience. I have not heard from Judge Dickson or the Solicitor regarding scheduling.

Sincerely,

Susan B. Hackett
Appellate Defender

SBH/

Enclosures: 10/8/2013 letter to Judge Dickson
10/10/2013 letter from Elliott to Pascoe

cc: Salley Elliott, Esquire (w/ enclosures)
David Pascoe, Esquire (w/ enclosures)



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October 8, 2013

The Honorable Edgar W. Dickson
P.O. Box 1949
Orangeburg, SC 29116-1949

RECEIVED
OCT 15 2013
SC COURT OF APPEALS


Re: State v. Sean Philip Smith, Appellate Case No. 2012-212664

Dear Judge Dickson,

Enclosed please find a copy of an order from the Court of Appeals granting a motion to remand for reconstruction of the record. The Court remanded the case to the Orangeburg County Court of General Sessions for reconstruction and directed me to contact you to schedule hearings as appropriate. To explain this matter in greater detail, I am enclosing a copy of the petition to reconstruct filed by our office. I am uncertain whether the Attorney General's Office or the Solicitor's Office will handle the reconstruction; therefore, I am copying both offices on this correspondence; however, Mr. Thomas Scott of the Solicitor's Office may be a witness at the reconstruction hearing because he prosecuted the matter.

I look forward to hearing from you regarding scheduling of the reconstruction hearing or other appropriate hearings that Your Honor determines are appropriate. If you have any questions or concerns regarding your case, please feel free to contact me.

Sincerely,


Susan B. Hackett
Appellate Defender

Enclosures: Order granting reconstruction
Petition for reconstruction

cc: Salley Elliott, Esquire (w/o enclosures)
Thomas Bruce Scott, III, Esquire (w/ enclosures)



RECEIVED
OCT 15 2013
SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

October 10, 2013

RECEIVED

OCT 10 2013

SC OFFICE OF
APPELLATE DEFENSE

The Honorable David M. Pascoe
Solicitor, First Judicial Circuit
140 N. Main Street, Suite 102
Summerville, South Carolina 29483

RE: The State v. Sean Smith
Appellate Case No: 2012-212664
2011-GS-38-869; 872; 873; 5388

Dear Solicitor Pascoe:

Please find an order of the South Carolina Court of Appeals remanding the appeal listed above to the circuit court for reconstruction of the record of a hearing respecting Mr. Smith's motion to reconsider his sentence. I am also attaching a copy of the petition and exhibits which explain the portions of the proceedings below for which reconstruction is needed. The hearing respecting the motion to reconsider sentence was heard by the Honorable Edgar W. Dickson and the matter is remanded to Judge Dickson for reconstruction of that hearing.

Because this is a matter of a general sessions' record and because our office is not familiar with the facts or the proceedings below, I am forwarding the order and petition to you so that your office can handle any hearing that will be held to reconstruct the hearing to reconsider sentence in this case.

Please feel free to contact me if you have any questions about the hearing process or if you would like for me to obtain a copy of the guilty plea transcript from the Office of Appellate Defense. I will be more than happy to assist in that regard.

Sincerely,

Salley W. Elliott
Senior Assistant Deputy Attorney General

SWE:ab

cc: Susan B. Hackett, Esquire