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Jun 23 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County

The Honorable Michael G. Nettles, Trial Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

DALLAN TIMOTHY THORSTENSON,

APPELLANT.

Appellate Case No. 2024 - 000049

**RESPONSE TO APPELLANT'S MOTION TO REMAND
FOR RECONSTRUCTION OF PORTIONS OF APPELLANT'S TRIAL**

On November 30, 2023, a jury convicted Appellant of murder and possession of a weapon during the commission of a violent crime. Appellant moved for reconsideration of his sentence, which was denied by the Honorable Michael G. Nettles on November 30, 2023. Appellant initiated appellate review of his convictions and sentence on January 11, 2024. This Court held the appeal in abeyance to allow Appellant to obtain missing pre-trial hearing transcripts from November 8, 2023, November 20, 2023, as well as the conclusion of Appellant's trial. On June 11, 2025, Appellant filed a Motion to Remand for Reconstruction of Portions of Appellant's Trial. Appellant asserts that he was able to obtain both November pre-trial transcripts but indicates that the recording of the conclusion of Appellant's trial cannot be located by Court Administration for

transcription and requests that this Court to remand the case to the trial court to reconstruct the missing portions of Appellant's trial transcript.

Undersigned Counsel has had the opportunity to review the transcript and identify the missing portions referenced by opposing counsel. Based on counsel's representations, Respondent does not object to reconstructing the limited portions containing the jury note regarding the defense of habitation, the following colloquy, the recharge on the law of habitation to the jury, the jury verdict and sentencing. Respondent requests that reasonable time limitations on the remand to the lower court be implemented as to not delay a timely disposition of the appeal.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

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Kaylee C. Kemp

s/ _____

KAYLEE C. KEMP

ATTORNEYS FOR RESPONDENT

June 23, 2025
Columbia, South Carolina

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APPELLANT.

Appellate Case No. 2024 - 000049

PROOF OF SERVICE

I, **Kaylee C. Kemp**, attorney for Respondent, hereby certify that the **Response to Appellant's Motion to Remand for Reconstruction of Portions of Appellant's Transcript** has been forwarded to Appellant's counsel, Robert M Dudek, Esq., and his legal assistant, Kaylynn Warren via email today, June 23, 2025, to rdudek@sccid.sc.gov and kwarren@sccid.sc.gov

I further certify that all parties required by Rule to be served have been served.

This 23rd day of June 2025.

s/ **Kaylee C. Kemp**
KAYLEE C. KEMP
Assistant Attorney General

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Kaylee Kemp

From: Kaylee Kemp
Sent: Monday, June 23, 2025 5:32 PM
To: Dudek, Robert; Warren, Kaylynn
Subject: State v. Dallan Thorstenson, Response to Appellant's Motion to Remand & Reconstruct Transcript, June 23, 2025
Attachments: Response to Appellant's Motion to Remand and Reconstruct Portions of the Transcript - June 23, 2025.pdf; Proof of Service - June 23, 2025.pdf

Good afternoon –

Attached is the State's Response to the Motion to Remand and Reconstruct Portions of the Trial Transcript in regard to The State v. Dallan Thorstenson. The response will be sent for filing this evening.

Kind regards,

Kaylee C. Kemp, Assistant Attorney General
South Carolina Attorney General's Office
Capital and Collateral Litigation Section | 803-734-6307
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