



ALAN WILSON
ATTORNEY GENERAL

December 17, 2013

Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

RECEIVED

DEC 17 2013

SC COURT OF APPEALS


Re: State v. Gregory Smith
Appellate Case No. 2012-213666
Order of December 12, 2013

Dear Ms. Kitchings:

I am in receipt of the Order of this Court upon Appellant's motion to hold in abeyance and directing this office "to duplicate SLED Report and deliver a copy to Appellant within five (5) days of the filing of this Order." (December 17, 2013).

Please be advised that these materials (without returning a copy) that I received from Judge Cooper's law clerk were transferred to Smith's appellate counsel on November 7, 2013. A copy of the November 8, 2013 letter from Mr. Tripp confirming his possession of the documents is attached.

Sincerely,



Donald J. Zelenka
Senior Assistant Deputy Attorney General

DJZ/lbb
Enclosure

cc: Benjamin J. Tripp, Esquire



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ATTORNEY GENERAL'S OFFICE

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ADMINISTRATIVE INSTRUCTIONS

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Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender
CLERK RECORDS
OTHER: _____

November 8, 2013

The Honorable G. Thomas Cooper, Jr.
P.O. Box 192
Columbia, SC 29202

Re: State v. Gregory Smith
appellate case no. 2012-213666

Dear Judge Cooper:

I am notifying you that I have the SLED report belonging to the trial court in this case. Yesterday I met with Donald Zelenka, the attorney for the State in the case, who had the report in his office. He had understandable concerns about violating Mr. Smith's attorney-client privilege by looking at the report. I am working as fast as possible to obtain from Mr. Smith consent to use the report. As soon as I can I will contact your office to discuss my use of the report with the Court's and Mr. Zelenka's approval.

Sincerely,

Benjamin John Tripp
Appellate Defender

cc: Donald Zelenka