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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

December 19, 2013

RECEIVED

DEC 19 2013

SC COURT OF APPEALS

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

Re: State v. Michael Edward Hockaday, Appellate Case No.: 2009-146387

Dear Ms. Kitchings:

The Court granted Appellant's motion to remand for reconstruction of the record in the above-referenced case. The Court directed me to contact counsel for Respondent and the Honorable L. Casey Manning within ten days of the order, and to provide an update to you within fifteen days. Please accept this letter as an update. I contacted Judge Manning by letter on December 10, 2013. A copy is enclosed for your convenience. I also sent an email to Judge Manning's law clerk on December 17, 2013 after speaking with counsel for Respondent regarding scheduling.

Sincerely,

Susan B. Hackett
Appellate Defender

Enclosures: Letter to Judge Manning dated 12/10/2013
Email to Judge Manning's law clerk dated 12/17/2013

cc: Salley Elliott, Esquire (w/ encl.)
Michael Hockaday (w/ encl.)



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December 10, 2013

The Honorable L. Casey Manning
P.O. Box 192
Columbia, S.C. 29202-0192

RECEIVED

DEC 19 2013

SC Court of Appeals

Re: State v. Michael Edward Hockaday, 2006-GS-01-652, -653

Dear Judge Manning:

I represent Mr. Hockaday in the direct appeal of his guilty plea. He pled guilty on September 18, 2007, and sentencing was deferred. On December 4, 2007, Mr. Hockaday did not appear for sentencing. Your Honor placed the sentence under seal. On November 13, 2009, Mr. Hockaday appeared before the Honorable Eugene C. Griffith for unsealing of the sentence. A transcript of this proceeding is enclosed for your convenience. However, a transcript of the guilty plea is not available. Therefore, I moved the Court of Appeals to remand the case for reconstruction of the guilty plea.

Please find enclosed an order of the Court of Appeals remanding this matter to the Abbeville County Court of General Sessions for reconstruction of Mr. Hockaday's guilty plea. I am copying all interested parties on this correspondence. I await your further instructions regarding scheduling of hearings you deem appropriate to reconstruct the record.

Sincerely,

Susan B. Hackett
Appellate Defender

Enclosures: Remand Order
Sentencing proceeding transcript

cc: Hon. Emily Yeargin McMahan, Clerk of Court for Abbeville County (w/ encl.)
Salley Elliott, Esquire (w/ encl.)
Elizabeth White, Esquire (w/ encl.)
W. Townes Jones, Esquire (w/ encl.)
Michael Hockaday (w/ encl.)

Sean Flynn

From: Susan Hackett
Sent: Tuesday, December 17, 2013 8:17 AM
To: 'cmanninglc@sccourts.org'
Cc: Selliot@scag.gov; 'ewhite@greenwoodsc.gov'; wtj@wtownesjoneslawfirm.com
Subject: FW: State v. Michael Hockaday
Attachments: Ltr to Judge Manning 12.10.13.pdf; Order Granting motion to remand for reconstruction.pdf; Petition for Order to Reconstruct.pdf

On December 6, 2013, I wrote to Judge Manning regarding the Court of Appeals remanding this matter for reconstruction of the record. I spoke to Salley Elliott of the Attorney General's Office today regarding this matter as well. Based on my review of the records, we need to reconstruct the guilty plea and the sentencing proceeding. If I am overlooking anything, I apologize and welcome the Court's guidance. The following individuals would be witnesses: Mr. Hockaday, Ms. White, and Mr. Jones. At present, I am unaware of any additional witnesses. If I become aware of others, I will advise the Court.

I will be happy to coordinate with the witnesses and other lawyers involved concerning scheduling.

I have an oral argument scheduled for January 7 and 22. Ms. Elliott is unavailable until January 14. Ms. Elliott is available anytime in December, but I am not available until after December 27. I have not checked with Ms. White and Mr. Jones regarding their availability, but I have copied them on this email.

I look forward to hearing from you.

Susan Barber Hackett
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12/19/2013