



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

RECEIVED  
DEC 27 2013  
SC Court of Appeals

December 27, 2013

Ms. Desiree Allen  
Court Reporter Manager  
1015 Sumter Street, Suite 200  
Columbia, SC 29201

Re: State v. Wallace E. Evatt, Jr., Appellate Case No. 2012-212616

Dear Ms. Allen:

I wrote to you on September 5, 2013 regarding the above-referenced case, but I have not heard back regarding how to proceed. I am enclosing a copy of that letter for your convenience. As explained in the prior letter, while preparing for his appeal, I discovered the transcript is incomplete. On page 306 of the transcript, there is a note stating "Transcriber's Note: Recording of this witness' testimony on cross examination was in progress on the digital recording." I require clarification of what this note means. For Mr. Evatt's appeal, I need the entire testimony of the witness, David Gross.

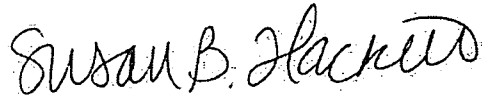
It is my understanding that Phyllis Barrett who prepared the transcript has retired. However, I still need the entire transcript. I am not sure what protocols your office has in place in these situations, but I am sure there are ways of obtaining the transcript after a court reporter retires. Additionally, it appeared to me that April Herron actually recorded the proceedings based upon the Court's online calendar. If I am unable to obtain a transcript, then I will be required to request to reconstruct the missing portions of the trial. It will be much better if I am able to make such a request earlier when memories are fresher.

I am copying my client, the Court of Appeals, and the Attorney General's Office on this correspondence.

SIGNATURE ON FOLLOWING PAGE

Please contact me if you have questions or concerns regarding this matter. I look forward to hearing from you soon concerning the remaining portion of the transcript of Mr. Evatt's trial.

Sincerely,



Susan B. Hackett  
Appellate Defender

SBH/

cc: Wallace E. Evatt, Jr.  
Court of Appeals  
Donald J. Zelenka

Enclosure: Letter to Ct. Admin. dated 9/5/2013



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

September 5, 2013

Ms. Desiree Allen  
Court Reporter Manager  
1015 Sumter Street, Suite 200  
Columbia, SC 29201

Re: State v. Wallace E. Evatt, Jr., Appellate Case No. 2012-212616

Dear Ms. Allen:

I represent Wallace Evatt in his direct appeal to the South Carolina Court of Appeals. I sent the enclosed letter to Phyllis Barrett, the court reporter, on August 6, 2013. The letter was returned to me today. My office contacted your office and you explained she was retired. Therefore, I am directing this situation to your attention.

As I explained in my letter to Ms. Barrett, while preparing for his appeal, I discovered the transcript is incomplete. On page 306 of the transcript, there is a note stating "Transcriber's Note: Recording of this witness' testimony on cross examination was in progress on the digital recording." I require clarification of what this note means. For Mr. Evatt's appeal, I need the entire testimony of the witness, David Gross.

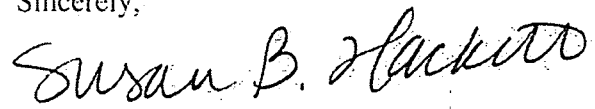
Additionally, I explained that it was my understanding that April Herron was the court reporter for the proceedings. I copied Ms. Herron on my request.

I am copying my client, the Court of Appeals, and the Attorney General's Office on this correspondence.

Please contact me if you have questions or concerns regarding this matter. I look forward to hearing from you soon concerning the remaining portion of the transcript of Mr. Evatt's trial.

SIGNATURE ON FOLLOWING PAGE

Sincerely,

A handwritten signature in cursive script that reads "Susan B. Hackett".

Susan B. Hackett  
Appellate Defender

SBH/eab

cc: Wallace E. Evatt, Jr.  
Court of Appeals  
Donald J. Zelenka

Enclosure: Letter to Barrett dated 8/6/2013