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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

January 24, 2014

RECEIVED
JAN 24 2014
SC Court of Appeals

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

Re: State v. Jonathan Xavier Miller, Appellate Case No. 2013-001860

Dear Ms. Kitchings,

On January 17, 2014, I notified this Court that I had received the transcript in the above-mentioned case, and requested our time limits to begin 60 days from that date. Upon closer review of the transcript, however, I have discovered a notation by the court reporter stating that she did not take down the first portion of the trial. (please see attachment) Until now, I had not been informed of any additional trial dates, so that transcript was not previously requested. I have requested that transcript today (a copy is attached) and would respectfully request that the previous 60-day letter sent on January 17, 2014 be withdrawn.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Kimberly McCall
Administrative Coordinator

/kam

cc: Attorney General's Office

1 (Court reporter's note: The first part of the trial was
2 taken down by court reporter Karen Ambroziak, and the trial
3 transcript that she produced is not attached to this
4 transcript.)

5 **The Court:** All right. Put the witness back on the
6 stand, please. Mr. Westbury, you're still under oath.

7 **Mr. Arant:** Your Honor, if I may, these are the exhibits
8 that were introduced yesterday. I'd like to just maybe have
9 those admitted for identification purposes only as opposed to
10 having---

11 **The Court:** You can admit them for the purposes of the
12 suppression hearing and then obviously go forward in the
13 trial if you need them, however you want to do it.

14 **Mr. Arant:** Okay. That's -- we'll just do that. That's
15 fine. That's correct.

16 **The Court:** Have you finished your direct examination?

17 **Mr. Arant:** Yes, sir. I've just got a few more
18 questions.

19 **The Court:** So you haven't finished.

20 **Mr. Arant:** No, sir.

21 **The Court:** Move forward.

22 James Westbury, having been previously sworn and
23 remaining under oath, testified as follows:
24
25



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January 24, 2014

Ms. Karen Ambroziak
Circuit Court Reporter
1083 Langford Road
Blythewood, SC 29016

Dear Ms. Ambroziak:

Please provide us with the following transcript:

The State v. Jonathan Xavier Miller, Appellate Case #: 13-GS-40-04661
Case No. 2013-001860

County: Richland Date of Trial: August 26-27, 2013

Presiding Judge: Doyet A. Early, III

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

Please number the lines on the paper from 1-25, and include any and all recorded motions, pre and post-trial. Additionally, please transcribe the **jury selection**, and the State and defense counsel's **opening and closing arguments**, and include the **jury strike-sheet**. Please be sure to include **Headers and a listing of exhibits**.

If you are aware of any co-defendants or if the Attorney General's Office has already requested a transcript, please let us know.

Sincerely,

Kimberly McCall
Administrative Coordinator

cc: S.C. Court of Appeals
Attorney General's Office