



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

February 21, 2014

RECEIVED

FEB 21 2014

SC Court of Appeals

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

Re: State of South Carolina v. David Eric Dixon  
Appellate Case No. 2013-002386

Dear Ms. Kitchings:

The initial brief of appellant and designation of matter in the above case is due to be served and filed on March 10, 2013. This case has previously been extended once. However, upon reading the trial transcript, I noticed the state refers to a hearing that was previously held in this case. I am enclosing page 52 of the trial transcript for your convenience. You will notice that the solicitor references a court date of August 6, 2013. However, after further research, I learned this hearing was actually a bond hearing held on August 13, 2013 before the Honorable Edward B. Cottingham. The transcript of this bond hearing is essential to this appeal.

Today, we have requested the transcript of the bond hearing. A copy of our transcript request is enclosed. Please hold the time limits in abeyance pending receipt of the transcript. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Lara M. Caudy  
Appellate Defender

LMC/mpm

Enclosures

cc: Donald J. Zelenka, Esquire



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Ms. Hattie O. Gordon  
Circuit Court Reporter  
Post Office Box 597  
Wallace, SC 29596

Dear Ms. Gordon:

Please provide us with the following transcript:

The State v. David Eric Dixon, Appellate Case      Case #:      13-GS-34-0086-0088  
No. 2013-002386

County: Marlboro      Date of Trial: August 13, 2013 (bond hearing)

Presiding Judge: Edward B. Cottingham

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,

Maria Paula Murdoch  
Legal Assistant

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

## PRETRIAL MOTIONS

1 SLED report for the firearms was not available, it  
2 was not ready yet. It is my understanding that you,  
3 Your Honor, granted the continuance until  
4 October 28<sup>th</sup>, but the State was to proceed in the  
5 exact form as scheduled for the September 30<sup>th</sup> term  
6 of court.

7 Your Honor, also, at that time, the State was  
8 ready to proceed for the September 30<sup>th</sup> term of  
9 court because we had enough evidence against the  
10 defendant to prove murder. We had a statement with  
11 the confession that you will hear within a few  
12 minutes and several eyewitnesses that were present  
13 there. We had the weapon in our possession at SLED,  
14 the bullets from the body of the murder victim in  
15 evidence. So there was enough evidence for us to  
16 move forward, and that was our position during our  
17 phone conference, and that is still our position  
18 today.

19 THE COURT: This conversation that you said  
20 occurred with Judge Cottingham, was this on the  
21 record?

22 MS. DAVID: Yes. This was in court during the  
23 term of -- August term of court, I believe. That was  
24 August 6th, but I may be wrong.

25 THE COURT: And the deadline for acceptance was