

Law Offices

JOHNSON, JOHNSON, WHITTLE & LANCER

Attorneys, P. A.
Post Office Box 2619
117 Pendleton Street, N.W.
Aiken, South Carolina 29802-2619

Telephone 803/649-5338

Fax 803/641-4517

April 29, 2014

B. Henderson Johnson Jr. (Retired)
James E. Whittle Jr.
Todd J. Johnson

Barry H. Johnson (1954-1995)
Paige Weeks Johnson
Brett H. Lancer

Facsimile: (803) 734-1839

South Carolina Court of Appeals
ATTENTION: Ms. Christina Sineath
Post Office Box 11629
Columbia, South Carolina 29201

RECEIVED

APR 29 2014

SC Court of Appeals

RE: The State vs. Tammy Smathers
SCDC# 354279
INDICTMENT #: 2012-GS-02-00521
APPELLATE Case #: 2014-000254

Dear Ms. Sineath:

My office communicated with your office on Monday, May 28, 2014 regarding an extension to file the initial brief and the designation of matter. Specifically, we spoke with Ms. Ashley Thompson. Please accept this as our formal written request for an extension.

I represented Tammy Smathers through her guilty plea to Voluntary Manslaughter and her sentencing to fifteen (15) years. I filed a timely motion for reconsideration in that matter. I requested a reduction in sentence and an order allowing parole eligibility pursuant to the Criminal Domestic Violence statute.

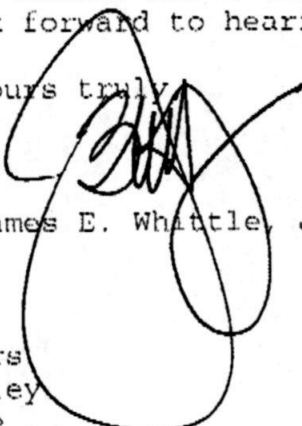
The motion for reconsideration was heard by Judge James R. Barber, III on December 12, 2013. The court issued an order denying the motion on January 14, 2014. It was filed on January 21, 2014 and served on January 22, 2014. I filed a notice of appeal on January 28, 2014. I requested the transcript of the motion hearing in a timely fashion.

Ms. Smathers was incarcerated and had no readily available assets. I met with Chief Appellant Defender, Bob Dudek on February 25, 2014. He provided me with an affidavit of indigency. I met with Ms. Smathers at Leath Correction Institution on April 2, 2014 and prepared the affidavit. I submitted it to Mr. Dudek by cover letter date April 4, 2014. I received his response on April 14, 2014. He found that she was not eligible for their services because she owned her on home.

I submitted this information to her family by cover letter dated April 21, 2014 and quoted a fee to represent her on the appeal. I indicated that the initial brief and designation of material was due on April 28, 2014. I received a telephone call from her daughter on Friday, April 25, 2014. Essentially, they indicated that they were still trying to decide whether to hire me to perfect the appeal.

Therefore, please allow me thirty (30) days to file the initial brief and the designation of matter. Hopefully, the family will decide to retain me. Thank you very much for your consideration. I look forward to hearing from you.

Yours truly,



James E. Whittle, Jr.

JEWjr/cbw

cc: Ms. Tammy Smathers
Mrs. Ashley Bradley
Mrs. Nicole Toole