



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

ROSALYN FRIERSON
DIRECTOR

1015 SUMTER STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201
PHONE: (803) 734-1800
FAX: (803) 734-0269

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JUN 10 2014

SC Court of Appeals

June 10, 2014

The Honorable V. Claire Allen
Deputy Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

In re: William Tomz v. Capital Investment Funding, LLC

Dear Ms. Allen:

I am writing in response to your letter dated June 9, 2014, which requests my written opinion as to whether the court reporter properly disposed of the tapes in the above-entitled matter, pursuant to Rule 607, SCACR.

Rule 607(i), SCACR governs the retention of tapes. It provides, "In any proceeding which has been transcribed, the court reporter shall retain the primary and backup tapes which have been transcribed for a period of at least thirty (30) days after the original transcript is sent to the requesting party, to allow any party to challenge the accuracy of the transcription. If no challenge is received by the court reporter within the thirty (30) day period, the tapes may be reused or destroyed"

The procedure to challenge the accuracy of the transcription is set out in the S.C. Court Reporter Manual. It provides, "When there is a challenge to the accuracy of a transcript, the court reporter will respond to the challenger in writing. The court reporter will then review the record and report the findings in writing to the challenger, with a copy to all parties and Court Administration. Any inaccuracies will be corrected and the pages forwarded to the challenger at no cost. Further review of the record may be permitted by the presiding judge upon written request with good cause shown. If no challenge is received by the court reporter within the 30-day period the tapes may be reused or destroyed".

Ms. Caroline Hiskell (court reporter) responded to the transcript challenge on October 25, 2013. She indicated that she had made the corrections and was providing another copy. There is no provision for providing a copy of the tapes to the parties, and there was no request to the presiding judge or further review ordered by the presiding judge. Therefore, the court reporter was allowed to reuse or destroy the primary and back-up tapes in accordance with Rule 607, SCACR.

It is my opinion that the court reporter has properly disposed of the tapes in this matter, pursuant to Rule 607, SCACR. Please let me know if additional information is needed.

Sincerely,


Desiree Allen
Court Reporter Manager

CC: Rosalyn Frierson, Director, S. C. Court Administration

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