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Robert M. Dudek, Chief Appellate Defender
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June 17, 2014

RECEIVED

JUN 17 2014

S.C. Supreme Court

Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Sammie Stokes v. State of South Carolina, Appellant Case No. 2013-000635

Dear Mr. Shearouse:

This is to follow-up on my letter to Debbie Hopkins dated June 9, 2014, and email of June 11, 2014 regarding the above-captioned case. I have attached a copy of both to this letter.

We have reached a stipulation regarding the documents that were lost by the Clerk of Court's Office following the post-conviction relief hearing in this case. Trial counsel Keir Weyble has signed the stipulation, and I received it back from him today. I am forwarding it to Donald Zelenka for his signature.

I understand Trial PCR Co-Counsel Robert Lominack is out of the country but I think he will be back next week and we can bring this matter to a close with his signature on the stipulation. I will forward Judge Manning's ensuing order to you upon receipt. Please advise if you have any questions or concerns.

Respectfully,

Robert M. Dudek
Chief Appellate Defender

RMD/brr

cc: Honorable L. Casey Manning (with enclosures)
Donald J. Zelenka, Esquire (with enclosures)



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Robert M. Dudek, Chief Appellate Defender
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June 9, 2014

Ms. Debbie Hopkins
Clerk's Office, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Sammie Stokes v. State, Appellate Case No. 2013-000635

Attention: Debbie Hopkins

Dear Ms. Hopkins:

This is just to confirm our telephone conversation this morning regarding the above-captioned case. Don Zelenka, and PCR counsel Keir Weyble and Robert Lominack had reached a stipulation that the documents scanned by Mr. Lominack prior to the post-conviction relief hearing before Judge Manning were in fact duplicates of Applicant's exhibits 2 and 3 that were introduced during the PCR hearing. I reduced this stipulation to writing and sent it to all of the parties involved. This stipulation would have negated the necessity for a reconstruction hearing in this case. I communicated that to Judge Manning.

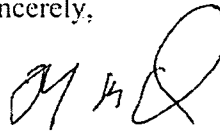
However, and unfortunately, trial counsel Thomas Sims at the eleventh hour, on June 3, 2014 raised matters in an email to Mr. Zelenka that would necessitate a change in the stipulation if he were to be on the stipulation. I communicated to Mr. Zelenka that I consider the matters belatedly raised by Mr. Sims in his email irrelevant to the limited purpose of the remand. Mr. Zelenka has now proposed that the stipulation involve only the PCR attorneys. Meaning, the stipulation would be between Don Zelenka, Robert Lominack and Keir Weyble without the necessity of trial counsel Thomas Sims being on the stipulation.

I plan to ask judge Manning how he wishes to proceed given this last minute development involving Mr. Sims that Judge Manning did not know about when it appeared this matter would be settled with the stipulation.

Honorable Dan Shearouse
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June 9, 2014

I will update the Court within one week of any development. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'R M Dudek', written in a cursive style.

Robert M. Dudek
Chief Appellate Defender

RMD/brr

cc: Honorable L. Casey Manning
Donald J. Zelenka, Esquire