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June 27, 2014

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JUN 27 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. Ernest Smalls – Appellate Case No. 2014-000572

Dear Ms. Kitchings:

The initial brief of appellant and designation of matter in the above case are due to be served and filed today. In examining the case, I discovered that the transcript from Mr. Small's criminal trial in 2004 does not exist and cannot be reproduced. I intend to file with the Court a motion for order of reconstruction of the trial after I gather information and documents from Mr. Small's trial attorney regarding the scope of the trial. Accordingly, I respectfully request that the Court hold the time limits for filing Mr. Small's initial brief and designation of matter in abeyance in anticipation of the motion for order of reconstruction. If you have any questions or need additional information, please do not hesitate to contact me at your earliest convenience.

Sincerely,

Benjamin John Tripp
Appellate Defender

cc: Salley W. Elliott, Esquire