

Hopkins, Debbie

From: Keesley, William P.
Sent: Tuesday, September 30, 2014 1:20 PM
To: Don Zelenka; Keesley, William P. Law Clerk (Anna Wade)
Cc: DianaHolt@utexas.edu; Hubbard, Rick; teresa@blumelaw.com; Anthony Mabry; Melody Brown; criminallaw1@aol.com; lisajimbrough@yahoo.com; Hopkins, Debbie
Subject: RE: Ronald Finklea v. State, 2010-CP-32-5076 - Follow-up Status and Scheduling Conference

Judge Macaulay and I talked following your conference today. He indicated that his schedule will allow us to plan to have the Finklea case in August 2015. I need for the attorneys to let me know what, if any, problems that might present. Thank you. [wpk]

From: Don Zelenka [mailto:DZelenka@scag.gov]
Sent: Tuesday, August 26, 2014 12:07 PM
To: Keesley, William P.; Keesley, William P. Law Clerk (Anna Wade)
Cc: DianaHolt@utexas.edu; Hubbard, Rick; teresa@blumelaw.com; Anthony Mabry; Melody Brown; criminallaw1@aol.com; lisajimbrough@yahoo.com; Hopkins, Debbie
Subject: RE: Ronald Finklea v. State, 2010-CP-32-5076 - Follow-up Status and Scheduling Conference

Dear Judge Keesley, et al. –

During yesterday's status conference, I mentioned the fact that opposing counsel had been diligent in filing the so-called 60 day status conference letters with the court. These letters are required by In RE Stays of Execution, 321 S.C. 544, 471 S.E.2d 140 (1996) to be sent by appointed counsel to the Clerk of the South Carolina Supreme Court every 60 days. In particular, the decision states: "2) The defendant files with the Clerk of this Court a letter setting forth the status of the post-conviction relief matter every sixty (60) days. A copy of this letter shall be served on opposing counsel. If the Court determines that this letter fails to show that the defendant is diligently pursuing the post-conviction relief action, the Court may issue an order dissolving the stay or setting forth additional requirements the defendant must meet to maintain the stay."

I had assumed that the circuit judge had also received copies of these letters. I am attaching copies of counsel's letter to the Supreme Court to you for your information.

Sincerely,

Don Zelenka

Donald J. Zelenka
Senior Assistant Deputy Attorney General
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, S.C. 29211
803-734-3601
dzelenka@scag.gov

From: Keesley, William P. [<mailto:WKeesleyj@sccourts.org>]
Sent: Wednesday, August 20, 2014 11:47 AM
To: Keesley, William P. Law Clerk (Anna Wade); Don Zelenka
Cc: DianaHolt@utexas.edu; Hubbard, Rick; teresa@blumelaw.com; Anthony Mabry; Melody Brown; criminallaw1@aol.com; lisajimbrough@yahoo.com; Hopkins, Debbie
Subject: RE: Ronald Finklea v. State, 2010-CP-32-5076 - Follow-up Request for Status and Scheduling Conference - Proposed Hearing Date January or February 2015 or Sooner

Unless the schedule is released before Monday, we do not have dates for court in 2015. The schedule usually comes out around this time, but they do not usually release it before the end of the Annual Conference, which would be Friday of this week. Thank you. [wpk]

From: Keesley, William P. Law Clerk (Anna Wade)
Sent: Wednesday, August 20, 2014 9:38 AM
To: Keesley, William P.
Subject: FW: Ronald Finklea v. State, 2010-CP-32-5076 - Follow-up Request for Status and Scheduling Conference - Proposed Hearing Date January or February 2015 or Sooner

Judge,

Below is an email from Mr. Zelenka regarding the status conference set for Monday, August 25, at 2 pm.

From: Don Zelenka [<mailto:DZelenka@scaq.gov>]
Sent: Wednesday, August 20, 2014 9:11 AM
To: Keesley, William P. Law Clerk (Anna Wade); DianaHolt@utexas.edu; Hubbard, Rick; teresa@blumelaw.com; Anthony Mabry; Melody Brown
Cc: criminallaw1@aol.com; lisajimbrough@yahoo.com; Hopkins, Debbie
Subject: RE: Ronald Finklea v. State, 2010-CP-32-5076 - Follow-up Request for Status and Scheduling Conference - Proposed Hearing Date January or February 2015 or Sooner

To all –

Please note that we will be asking for the setting of the evidentiary hearing for January or February 2015 at the August 25, 2014 status conference. Of course, consistent with 17-27-160, we would have no objection to the matter being set earlier based upon the present application for post-conviction relief.

The PCR application was filed by current appointed counsel on November 23, 2010. And our return was filed December 22, 2010. No amendments to the application have been filed. The State made discovery interrogatories and motion to produce in February 2011. The Solicitors file was produce to opposing counsel August 2011 in CD format. Depositions of the SLED records custodian (Margaret Knox) was held May 11, 2011. The Deputy Coroner's deposition was held April 29, 2011, The records deposition of Deputy Solicitor Rick Hubbard was held April 29, 2011. Material from trial counsel's files were disclosed to me at the office of Teresa Norris on October 11, 2011. I am not aware of other discovery action in this case.

Bu copy of this email, I am requesting prior trial counsel Steve Soltis and Lisa Armstrong to advise me of any court conflicts during December, January or February.

Arrangements have been made with the Department of Corrections for Mr. Finklea to be at the Lexington Courthouse by 1 PM on August 25 for the status hearing.

Your consideration is appreciated.

Sincerely,

Don Zelenka

From: Keesley, William P. Law Clerk (Anna Wade) [<mailto:wkeesleylc@sccourts.org>]

Sent: Monday, August 18, 2014 4:08 PM

To: DianaHolt@utexas.edu; Hubbard, Rick; teresa@blumelaw.com; Don Zelenka; Anthony Mabry; Melody Brown

Subject: Ronald Finklea v. State, 2010-CP-32-5076 - Request for Status and Scheduling Conference

The Judge would like to confirm the status and scheduling conference will be on Monday, August 25th at 2 pm. Additionally, have arrangements been made for transport? If a transport order is necessary, please give us immediate notice.

Best Regards,

Anna Wade

Law Clerk to the Honorable William P. Keesley

P.O. Box 10, 127 Courthouse Square

Edgefield, SC 29824

(803) 637-4095 (phone)

(803) 637-2035 (fax)

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