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Robert M. Dudek, Chief Appellate Defender
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October 21, 2014

RECEIVED

OCT 21 2014

S.C. Supreme Court

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

Re: Marshall Miller vs. State, Appellate Case No. 2013-001076

Dear Mr. Shearouse:

I am writing in regards to several documents Petitioner Marshall Miller has requested that our office produce and/or obtain and include in the appendix to be filed with the Court. I understand from your staff that Mr. Miller did not file the appendix or the supplemental appendix and we have been asked to therefore file them which we are doing.

There are a few other documents or "exhibits" that Mr. Miller wants filed that we either do not have or I need the Court's guidance on. Mr. Miller has requested that a copy of the May 15, 2003 bond hearing transcript be included in the record. We do not have a copy of this transcript, and it was not before the lower court. If this were a normal case I therefore would not include it in the Appendix before your Court. Court reporters are only required by law to keep transcription records for five years before they are destroyed. The requested transcript therefore may no longer be available.

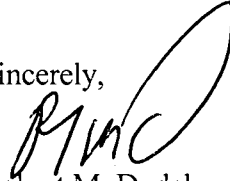
In addition, we do not have a copy of the requested written plea agreement sent by Jennifer Evans. However, I have written trial counsel, Kim Varner, and requested a copy of that agreement. However, to date, I have still been unable to obtain this document.

Finally, we do have a CD audio copy of the October 10, 2007 of my oral argument on direct appeal that Mr. Miller wants added to the record before this Court but there is not a transcript of that oral argument. Again, if that CD was not before the PCR court it would not be a proper matter to be included in a supplemental appendix.

Honorable Daniel E. Shearouse
October 21, 2014
Page two

On each of the above matters we will obviously comply with the Court's wishes. Respectfully therefore please advise how the Court would like our office to handle the foregoing matters.

Sincerely,

A handwritten signature in black ink, appearing to read "RMD", with a large, stylized flourish extending upwards and to the right.

Robert M. Dudek
Chief Appellate Defender

cc: Marshall Miller

RMD/rdf