



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

October 21, 2014

The Honorable Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

OCT 21 2014

SC Court of Appeals

RE: State v. Sebastian Hepburn
Appellate Case No. 2012-213403

Dear Ms. Kitchings:

On November 14, 2013, this Court granted the motion to reconstruct the record in the above case. On February 27, 2014, I sent a letter to Judge Hyman, Lisa A. Bentley, the assistant solicitor who prosecuted the case and Robert C. Ray, trial counsel, in regard to scheduling the reconstruction hearing. A copy of the letter is attached. After contacting Judge Hyman's law clerk, the prosecutor and trial counsel, I advised Mr. Hepburn about the possibility of dropping his direct appeal and filing for post conviction relief. On August 15, 2014, Mr. Hepburn informed me that he did not want to drop his direct appeal.

Based on my contact with the attorneys and the fact that the only parts of the bench trial transcript that are missing are the post trial motions, closing arguments, pronouncement of the verdict and sentencing by the Court, I believe those portions can be reconstructed by affidavits submitted by the attorneys rather than requiring a hearing before Judge Hyman. Since learning from Mr. Hepburn in August that he did not want to drop his direct appeal, I have not had the opportunity to request the affidavits. I will make this a priority and request affidavits from the parties this week. I hope this meets the approval of the Court and that this matter can be resolved in a timely manner.

Sincerely,

Kathrine H. Hudgins
Appellate Defender

cc: Salley W. Elliot, Esquire



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

February 27, 2014

The Honorable Larry B. Hyman
1301 Second Ave., Suite 3B76
Conway, SC 29526

RECEIVED

OCT 21 2014

SC Court of Appeals

RE: State v. Sebastian Hepburn, Appellate Case No. 2012-213403

Dear Judge Hyman:

I represent Sebastian Hepburn in the appeal for his conviction for criminal sexual conduct with a minor second degree, indictment #2011-GS-23-2699. You presided over Mr. Hepburn's bench trial on November 8, 2012, in Greenville County. In preparing for the appeal I ordered the trial transcript. Unfortunately, when I received the transcript the post trial motions, closing arguments, pronouncement of the verdict and sentencing by the Court were not transcribed. On page 237 of the trial transcript the court reporter notes, "Post-trial Motions, Closing Arguments, Verdict and Sentencing of the Court are unretrievable due to equipment malfunction that occurred after the conclusion of the proceedings." As a result, I filed a motion to remand for a reconstruction hearing. On November 14, 2013, the Court of Appeals granted the motion and I have attached a copy of the order.

Lisa Bentley, the assistant solicitor who prosecuted the case, contacted me in reference to the remand hearing. I consulted with Ms. Bentley about scheduling and she indicated that she could make herself available as Your Honor's schedule dictates. I contacted trial counsel Robert Ray prior to filing the remand motion but have not contacted him since the Court ordered the remand. I have copied both Ms. Bentley and Mr. Ray on this letter. I respectfully request that you schedule this matter for a hearing as you see fit. I note that I have oral argument scheduled in the South Carolina Court of Appeals on February 3, 2014, and in the South Carolina Supreme Court on February 20, 2014. I would also request that arrangements are made for the appellant, Sebastian Hepburn, to be transported to court for the hearing.

I appreciate your consideration in this matter. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Kathrine H. Hudgins". The signature is written in a cursive, flowing style.

Kathrine H. Hudgins
Appellate Defender

KHH/kh

CC: Lisa A. Bentley
Assistant Solicitor, thirteenth Judicial Circuit
305 E. North Street, Suite 325
Greenville, SC 29601

Robert C. Ray, Esquire
306 A Mills Ave.
Greenville, SC 29605

Encl.

KH

The South Carolina Court of Appeals

The State, Respondent,

v.

Sebastian James Hepburn, Appellant.

Appellate Case No. 2012-213403

RECEIVED

OCT 21 2014

SC Court of Appeals

NOV 14 2014

ORDER

Appellant has filed a motion to remand to the circuit court for reconstruction of the record. The motion is granted and this case is remanded to the Greenville County Court of General Sessions. Counsel for Appellant is ordered to contact counsel for Respondent and the circuit court judge, the Honorable Larry B. Hyman, Jr., within ten days of this order to schedule such hearings as the circuit court judge deems appropriate. Counsel for Appellant shall provide an update to the clerk of this court no later than fifteen days from the date of this order, with a copy to counsel for Respondent.

Jacqueline Curston HS
FOR THE COURT

Columbia, South Carolina

cc:
Salley W. Elliott
Alan McCrory Wilson
Kathrine Haggard Hudgins

FILED
11/14/13