

ORIGINAL



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

November 13, 2014

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

RECEIVED

NOV 13 2014

SC Court of Appeals

Re: State of South Carolina v. Barry Eugene Lafavor
Appellate Case No. 2013-000568

Dear Ms. Kitchings:

I filed a Motion to Transport and Unseal Court's Exhibit No. 2 (DSS Records) on November 3, 2014. In that motion I requested the Court hold the time limits for filing the Initial Brief of Appellant and Designation of Matter in abeyance pending resolution of the motion. Upon speaking with Senior Assistant Deputy Attorney General Salley W. Elliott this afternoon, we are in agreement that the transcript of a pretrial hearing held on May 21, 2013 before the Honorable Doyet A. Early, III in Aiken County is essential to this appeal. The contents of the DSS records and other matters related to this exhibit were discussed during this pretrial hearing. This hearing is also discussed on the record during Appellant's trial on June 24-26, 2013. I have enclosed the transcript page referring to this hearing for your convenience.

I requested a copy of May 21, 2013 transcript today. A copy of our transcript request is enclosed. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Lara M. Caudy
Appellate Defender

LMC/pcm

Enclosures

cc: Salley W. Elliott, Esquire

1944

1945

1946

1 week later DSS moved in family court to quash the subpoena.
2 Amanda Whittle representing DSS.

3 We had a hearing here in General Sessions Court, May 21
4 and at that time, Judge Early ordered that all the records
5 be given to him for his review to see if there was anything
6 material or relevant. Around June 17, actually June 18, I
7 think I spoke with Adam Ness, his clerk. We reviewed what
8 had been found in the record. I mentioned to them at that
9 time I intended to ask for a continuance. The records
10 weren't actually made available to me, I believe that was a
11 Tuesday, so the records were made available to me, I think,
12 the following Thursday. I think Mr. Thompson from our
13 office picked them up around Noon on Thursday.

14 Your Honor, this is the file -- furnished to me. As
15 the Court can see that's a substantial amount of material.
16 I don't think that it's fair to the defendant or of the
17 Court for me to actually say that I've had time to review
18 these records. I've only skimmed the surface of them in the
19 last couple of days as I've been preparing for two trials
20 that were scheduled for this week.

21 Your Honor, normally, that's why I requested back in
22 March to give myself time to actually review and
23 investigate. This is a very superficial reviewing of these
24 records, Your Honor, I count pages missing. There's one
25 page that says one of three, but nothing following. I don't



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

November 13, 2014

RECEIVED

NOV 13 2014

SC Court of Appeals

Ms. Lisa H. Davenport
Circuit Court Reporter
P O Box 5485
Aiken, SC 29804

Dear Ms. Davenport:

Please provide us with the following transcript:

The State v. Barry Eugene Lafavor

Case #:

13-GS-02-00593, 00590

County: Aiken

Date of Trial: May 21, 2013 (Pretrial Hearing)

Presiding Judge: Doyet A. Early, III

Pursuant to the SC Court Reporter's Manual, please number the lines on the paper from 1-25, and include any and all recorded motions, pre and post-trial. Consecutive numbering of pages must be used throughout all volumes regardless of the number of volumes involved. Additionally, please transcribe the **jury selection**, and the State and defense counsel's **opening and closing arguments**, and include the **jury strike sheet**. Please be sure to include **Headers** and a **complete index** including a **listing of exhibits**.

If you are aware of any co-defendants or if the Attorney General's Office has already requested a transcript, please let us know.

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

Sincerely,

Pamela C. McKoy

Legal Assistant

cc: S.C. Court of Appeals
Attorney General's Office

1. The first part of the document

describes the general situation