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MAY 04 2015

SC Court of Appeals

State v. Tykeem May
Striking of the Jury
August 12, 2014

1 THE CLERK OF COURT: You may have a seat in the
2 jury box, ma'am.

3 [Whereupon, Ms. Steele is seated in the jury box
4 as an alternate juror]

5 THE COURT: The jury has been selected. Are
6 there any motions from the State?

7 MR. BELL: Yes, Your Honor, the State does.

8 THE COURT: Please approach.

9 [Whereupon, an off-the-record bench conference
10 is held]

11 THE COURT: Ladies and gentlemen, we thank you
12 for your patience. We have selected the panel for
13 this case. If you would call the jury information
14 line after six o'clock, there will be a message to let
15 you know if we have further need of your services.

16 Again, we appreciate your patience. I hope
17 everyone has a wonderful day. You're excused with the
18 Court's appreciation.

19 [Whereupon, the jury panel exits at 11:35 a.m.]

20 THE COURT: Ladies and gentlemen, please stand
21 and raise your right hand so that the clerk can
22 administer the oath to you.

23 [Whereupon, the jury is duly sworn by the clerk
24 of court as follows: do you solemnly swear or affirm
25 that you shall well and truly try and true deliverance



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SC Court of Appeals

May 1, 2015

The Honorably Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: State v. Tykeem Kalani May
Appellate Case No. 2014-001827

Dear Ms. Kitchings:

The initial brief of appellant and designation of matter in the above case are due to be served and filed May 6, 2015. I am writing to ask the Court to hold this case and its deadlines in abeyance.

Trial counsel in this case was Breen Stevens, a former appellate defender now working as a public defender in Orangeburg County. In speaking with Mr. Stevens about the case, he informed me that both he and the solicitor made Batson motions which were denied.

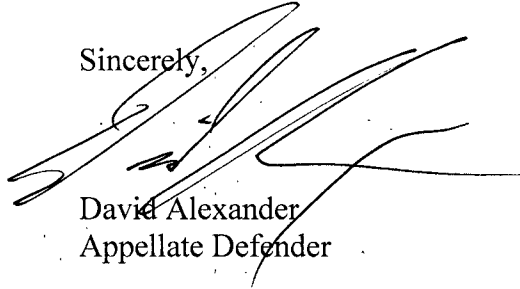
Attached is page 202 of the trial transcript that immediately follows jury selection. When the court asks for motions, the solicitor indicates he has a motion and the trial judge asks the attorneys to approach. The transcript indicates that a bench conference took place off-the-record.

Mr. Stevens' recollection is that the trial judge took one of the court reporter's recording devices and moved it from one place on the bench closer to the attorneys. The trial judge then heard argument on the motions and ruled. Mr. Stevens believed that the bench conference was recorded. As the Court can see on the attached page on lines 5 - 10, a bench conference occurred, but was not transcribed.

Yesterday I emailed the court reporter, Mia Perron, asking her to check her records and see if she can locate this recording.

I apologize for the delay this request may cause in this case, but this ruling may be a valid ground for appeal. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Alexander', written over the typed name.

David Alexander
Appellate Defender

cc: Client
Salley W. Elliott, Esq.