

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
J. Derham Cole, Circuit Court Judge

Appellate Case No. 2013-001659

RECEIVED

MAY 14 2015

SC Court of Appeals

STATE OF SOUTH CAROLINA,


Respondent,

v.

PRINCE SNIPES,

Appellant.

**RESPONSE TO MOTION TO PROVIDE TRANSCRIPT
OF SEPTEMBER 2012 HEARING**

 The Respondent State of South Carolina, above-named, pursuant to a directive from the Clerk of Court dated May 6, 2015, hereby make a Return to the pro se Motion of Prince Snipes to provide transcript not included in Appellate Defender David Alexander's "Record on Appeal" filed with the "Anders Brief of Appellant." The Record on Appeal included the entire trial transcript from July 16-17, 2013.

Appellant Snipes in his motion to the Clerk, dated March 31, 2015, filed April 2, 2015, requests the Court to provide Appellant with the transcript of a hearing in September 2012. Snipes contends in his pro se motion that the September 2012 hearing included matters that includes objections in a suppression hearing concerning Confrontation Clause violations, evidence concerning admission of identification evidence under Neil v. Biggers, hearsay, due process violations and immunity under the Protections of Person's and Property Act. Motion, p. 2. He further asserts that he requested his appellate counsel to request the transcript, but counsel advised

him that he would not order the transcript.

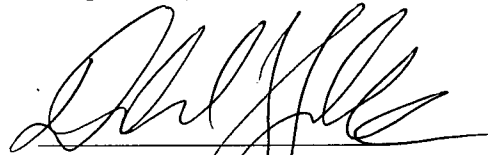
I.

At the outset, Respondent advises this Court that the Office of Attorney General does not have possession of any September 2012 transcript in the matter of State v. Prince Snipes. Below-signed counsel has contacted both the Office of Appellate Defense and Seventh Circuit Solicitor's Office upon receipt of the request letter from the Clerk. Counsel learned from opposing counsel Alexander that they did not presently have a copy of the brief. Upon information and belief, below-signed counsel was advised by the Solicitor of the Seventh Circuit that his recollection of the September 2012 hearing was that the hearing was limited to an issue concerning the preservation of potential testimony from two witnesses who might be unavailable in the future. This testimony was not introduced at the 2013 trial. Upon information and belief from the Solicitor, the requested hearing did not apparently include any matters related to immunity under Protection of Persons and Property Act, S.C.Code Ann. § 16-11-410 (Supp.2010) which Mr. Snipes also claimed occurred.

II.

Wherefore Respondent leaves it to this Court's discretion whether the inclusion of the requested hearing is necessary or required under the Court's review under Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967).

Respectfully submitted,



Donald J. Zelenka
Senior Assistant Deputy Attorney General
S.C. Bar # 5758
Attorney for Respondent

May 14, 2015

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CERTIFICATE OF SERVICE

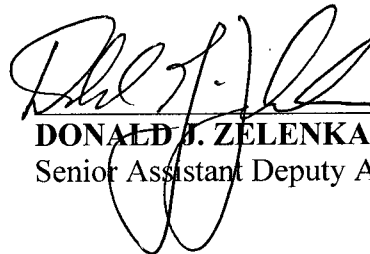
I, Donald J. Zelenka, hereby certify that I have served **Response to Motion to Provide**

Transcript of September 2012 Hearing on:

Prince Snipes, #356225
Broad Rver Correctional Institution
4460 Broad River Road
Columbia, SC 29210

David Alexander
Appellate Defender
Division of Appellate Defense
P. O. Box 11589
Columbia, SC 29211

by depositing copies in the United States Mail with sufficient postage this 14th day of May, 2015.



DONALD J. ZELENKA
Senior Assistant Deputy Attorney General



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

May 14, 2015

Honorable Jenny A. Kitching
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The State v. Prince Snipes
Appellate Case No. 2013-001659

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the **Response to Motion to Provide Transcript of September 2012 Hearing** in the above-captioned matter for filing in your office. By copy of this letter, I am serving all interested parties with same.

Sincerely,

Lonetta B. Brawley
Legal Assistant to Donald J. Zelenka
Senior Assistant Deputy Attorney General

/lbb

Enclosures

cc: Prince Snipes, #356225
David Alexander, Esquire