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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender  
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July 21, 2015

RECEIVED

JUL 21 2015

The Honorable Daniel E. Shearouse  
Clerk, S.C. Supreme Court  
PO Box 11330  
Columbia, SC 29211

S.C. Supreme Court

Re: Ezekial Haynes v. State of South Carolina  
Appellate Case No.: 2006-CP-38-0462

Dear Mr. Shearouse:

The petition for writ of certiorari in the above case is due to be served and filed on August 6, 2015. There has been one extension. In preparing the appendix I have discovered that I need an additional transcript.

Petitioner filed his first PCR application in April, 2006. His application and post-hearing motions were denied on March 4, 2009. On July 13, 2010, Petitioner filed a second PCR application. The PCR court filed a Conditional Order of Dismissal on June 16, 2011. A Final Order of Dismissal was filed on January 9, 2012.

At some point during Petitioner's second PCR application, he retained Tara Dawn Shurling. On Petitioner's behalf, Shurling filed a Reply to the Conditional Order of Dismissal and a Rule 59(e) Motion to amend or reconsider the Conditional Order of Dismissal. A hearing was held on August 20, 2012 on Petitioner's Rule 59(e) Motion. The PCR court granted Petitioner's motion and re-opened his initial post-conviction relief action with the limitation that Petitioner "could not raise with any issues pertaining to [Petitioner's] mental competency or any other issue presented in his initial action."

On February 20, 2014, an evidentiary hearing was held. At the hearing, the State renewed its objections to the Court's ruling on Petitioner's Rule 59(e) Motion. In addition, the State moved to dismiss several allegations in Petitioner's amended PCR application on the grounds that they violated the PCR Court's restrictions ordered in the August 20, 2012 hearing. An Order of Dismissal was filed on November 14, 2014.

No transcript of the August 20, 2012 hearing is currently available. I have requested the transcript of that hearing, and have enclosed a copy of that request with this letter.

Accordingly, I respectfully request that the time limits for filing the petition for writ of certiorari and appendix in this case be held in abeyance pending receipt of the transcript. If you have any questions or need additional information, please do not hesitate to contact me at your convenience.

By copy of this letter, I am informing Megan H. Jameson, of the Attorney General's Office, of my request.

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Strom", with a long horizontal flourish extending to the right.

John H. Strom  
Appellate Defender

JHS/css  
Enclosures



COPY

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July 21, 2015

Ms. Harry A. Walker  
Circuit Court Reporter  
P O Box 127  
Rowesville, SC 29133-9133

Dear Ms. Walker:

Please provide us with the following transcript:

Ezekiel Haynes v. State of South Carolina      Case #:      06-CP-38-0462

County: Orangeburg      Date of Trial: August 20, 2012 (Motion Hearing)

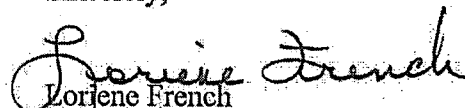
Presiding Judge: Edgar W. Dickson

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,

  
Lorjene French  
Legal Services Coordinator

cc: S.C. Supreme Court  
Attorney General's Office