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July 14, 2015

RECEIVED
JUL 14 2015
SC Court of Appeals

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

Re: State v. Reginald L. Gordon, Appellate Case No. 2014-002555

Dear Ms. Kitchings:

The initial brief of appellant and designation of matter in the above case is due to be served and filed tomorrow, on July 15, 2014. However, we have discovered that we need an additional transcript. Mr. Gordon was convicted of murder and possession of a firearm during the commission of a violent crime. He was sentenced to thirty years' imprisonment and five years' imprisonment respectively.

While reading the trial transcript, I learned that one of the lead detectives had an extramarital affair with the mother of Derrick Brown, Mr. Gordon's co-defendant, during the investigation.¹ The transcript further revealed the detective lied about the affair and was terminated. This undisclosed affair was part of the motion to suppress a statement given by Mr. Gordon to the detective. Interested to learn more, I searched the *Post and Courier's* online archives. I found an article published on July 17, 2014 describing the ripple effect of the detective's conduct. In the article, I learned that a motion to dismiss the charges had been filed in Mr. Gordon's case.

Upon learning of the motion to dismiss, I contacted trial counsel via email on July 6, 2015 to request additional information. Trial counsel informed me on July 10, 2015 that the motion to dismiss was heard in conjunction with the motion for continuance. I immediately requested the date of the hearing and the name of the judge so that we could request the transcript because we had not been provided with information about the hearing previously despite Chief Justice Finney's Order (1997). After obtaining the name of the judge, our office

¹During the Mr. Gordon's trial, the officers testified that charges remained pending against his co-defendant. However, on December 10, 2014, just twenty days after Mr. Gordon's trial, the charges against his co-defendant were dismissed by the prosecutor.

contacted the court reporter via email to determine the length of the transcript. The court reporter responded that the transcript is "rather short" and would cost approximately \$38.25 to produce.

In light of the fact that Mr. Gordon was convicted of murder and is serving a thirty-year sentence, it appears the prudent course of action is to request the transcript so that this Court may review the complete record in this case or so that a complete record is available for later review. **We have requested this transcript today and request that the time limits be held in abeyance pending receipt of it.** A copy of our transcript request is attached.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,



Susan B. Hackett
Appellate Defender

SBH/

cc: Donald J. Zelenka, Esquire
Reginald L. Gordon

