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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

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Robert M. Dudek, Chief Appellate Defender  
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October 12, 2012

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

RECEIVED  
OCT 12 2012  
SC Court of Appeals

Re: State of South Carolina v. Marlin Hutley

Dear Ms. Kitchings:

The Initial Brief of Appellant in the above case is due to be served and filed on October 16, 2012. As of today, Counsel has not received a copy of Defendant's Exhibit # 1 (DVD) for his use in preparing the initial brief of appellant. In attempting to procure a copy of the DVD, Counsel contacted Appellant's trial attorney, Scott Robinson, and was informed that Mr. Robinson did not have a copy of the DVD.

Pursuant to the agreed upon procedure, Counsel then contacted Senior Assistant Deputy Attorney General Salley Elliott about obtaining a copy of the DVD. Ms. Elliott contacted the Greenville County Solicitor's office and requested a copy of the DVD. The Greenville County Solicitor's Office has yet to respond. Accordingly, counsel requests that the time limits be held in abeyance pending counsel's receipt of the DVD.

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

Sincerely,

Dayne C. Phillips  
Appellate Defender

DCP/mch

October 12, 2012

I Consent:

Salley W. Elliott, Esquire