



ALAN WILSON
ATTORNEY GENERAL

RECEIVED
JUN 09 2016
SC Court of Appeals

June 9, 2016

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

RE: State v. Phyllis Ann Lane
Appellate Case No: 2015-000708

Dear Ms. Kitchings:

I am in receipt of Appellant's "Motion to Vacate Appellant's Conviction and Sentence and Remand for a New Trial" in the above-referenced case. Please be advised that Respondent has no objection to the request. Based on the parties' agreement before the trial court on remand that, "due to the amount of testimony and arguments missing from the trial transcript, the Record could not be adequately reconstructed for an effective appeal," Appellant has sufficiently established prejudice pursuant to State v. Ladson, 373 S.C. 320, 644 S.E.2d 271 (Ct. App. 2007), such that reversal and remand for a new trial is an appropriate remedy.

Sincerely,

J. Benjamin Aplin
Senior Assistant Deputy Attorney General
S.C. Bar No: 8729

JBA/ab

cc: John H. Strom, Esquire
Assistant Solicitor Elizabeth Munnerlyn
Ms. Trisha Allen