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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

July 11, 2016

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

RECEIVED

JUL 11 2016

SC Court of Appeals

Re: State v. Gary Fraley, Appellate Case No. 2014-001250


Dear Ms. Kitchings:

The initial brief of appellant and designation of matter on appeal in the above case were served and filed on March 9, 2016. Last Friday, it was brought to my attention by Assistant Attorney General Megan Jameson, attorney for respondent, that a second sentencing hearing was held on July 23, 2015 by the order of Judge Harrington. During this hearing, Judge Harrington clarified appellant's sentence by submitting amended sentencing sheets that noted that she had intended his attempted murder conviction and his two kidnapping convictions be served concurrently.

Discussions with appellant's trial counsel, Melissa Gaye, and my review of the case file led me to believe that sentencing sheets were amended by consent and without a hearing. I do not believe the July 23rd hearing has any relevance to this appeal as Appellant was not given an illegal sentence. However, in the interests of having a complete record on appeal and pursuant to Rule 207(a)(1), SCACR, I ordered the transcript on Friday, a copy of that request is enclosed.

In speaking with Mrs. Jameson, it is my understanding the State desires that the appeal be held in abeyance pending the receipt of the missing transcript. Given the circumstances, I do not oppose their request. I will notify the Court immediately upon my receipt of the transcript. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,



John H. Strom
Appellate Defender

JHS/css
Enclosure

cc: Attorney General's Office
client



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Wanda H. Carter, Deputy Chief Appellate Defender

July 11, 2016

Karen Andersen
Circuit Court Reporter
2496 Kings Gate Lane
Mount Pleasant, SC 29466

Dear Ms. Andersen:

Please provide us with the following transcript:

The State v. Gary Fraley

Case #: 14-GS-08-01505-0150
9; 01511;
01684-01685;

Appellate Case No. 2015-001737

County: Berkeley

Date of Trial: July 23, 2015
(sentencing hearing)

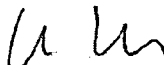
Presiding Judge: Kristi Lea Harrington

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 form and include the original criminal case number (Indictment number) where the space is provided.

Sincerely,


Chris Swenski
Administrative Assistant

cc: S.C. Court of Appeals



COURT REPORTERS' REQUEST FOR PAYMENT FOR TRANSCRIPT IN CRIMINAL INDIGENCY CASE

TO: SC COMMISSION ON INDIGENT DEFENSE PO BOX 11589 COLUMBIA, SC 29211-1589	SIGNATURE OF APPROVING OFFICIAL AT APPELLATE DEFENSE:
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FORWARD THIS SIGNED AND COMPLETED FORM ALONG WITH THE REQUESTED TRANSCRIPT TO THE SC COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION. THE SC COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION WILL APPROVE THIS REQUEST FOR PAYMENT AND FORWARD THE REQUEST TO THE S.C. COMMISSION ON INDIGENT DEFENSE FOR PAYMENT. ALL QUESTIONS REGARDING PAYMENT SHOULD BE MADE TO THE S.C. COMMISSION ON INDIGENT DEFENSE, P.O. BOX 11433, COLUMBIA, SC 29211-1433, PHONE: 803.734.1343, e-mail: executive@sccid.sc.gov.

CASE NAME:	CRIMINAL CASE (INDICTMENT) NO.(s):
DATE TRANSCRIPT REQUESTED BY APPELLATE DEFENSE:	DATE TRANSCRIPT PROVIDED TO APPELLATE DEFENSE:

PLEASE NOTE THAT THE DEFENSE OF INDIGENTS FUND WILL REIMBURSE THE REQUESTING PARTY FOR EITHER THE ORIGINAL TRANSCRIPT OR ONE COPY, BUT NOT FOR BOTH.

RULE 607 (H)(1), SCACR, PROVIDES THAT IN ALL CRIMINAL INDIGENCY CASES, INCLUDING POST-CONVICTION AND SEXUAL VIOLENT PREDATOR PROCEEDINGS, THE FEE FOR THE ORIGINAL TRANSCRIPT IS THREE DOLLARS AND TWENTY-FIVE CENTS (\$3.25) PER PAGE AND THE FEE FOR A COPY OF THE TRANSCRIPT IS SEVENTY-FIVE CENTS (.75) PER PAGE.

PURSUANT TO THE REQUEST OF THE S.C. COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION, THE TRANSCRIPT IN THE ABOVE MATTER WAS PROVIDED TO THAT OFFICE. REIMBURSEMENT IN THE FOLLOWING AMOUNT IS HEREBY REQUESTED:

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 COPY OF ORIGINAL TRANSCRIPT OF _____ PAGES: \$ _____
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