

**SCCID**

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September 14, 2016

**RECEIVED**

SEP 14 2016

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: State v. Michael A. Spann - Appellate Case No. 2015-002317

Dear Ms. Kitchings:

Yesterday, our office received a letter from your office stating that the initial brief and designation of matter in the above-referenced case was due to be filed on August 31, 2016 and that I had five days to file the brief and a motion to file out of time. Upon receipt of the letter, my assistant, Sean Flynn, contacted Christina Sineath in your office as we believed the letter must have been sent in error based on our having filed a motion for new trial or an order to reconstruct the record on August 24, 2016. Ms. Sineath explained the letter was not sent erroneously and that this Court had never acted on my motion.

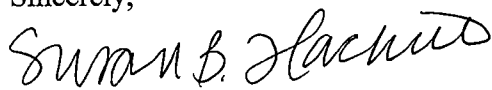
I am unable to file a brief in this case based upon the lack of a transcript. Upon receipt of the materials from the court reporter, I took the only action I could – request a new trial or an order to reconstruct the record. When making the request, I provided this Court with the totality of the transcript I had received and explained that the majority of the trial was not transcribed. In that motion, I also requested that the timelines for filing the initial brief and designation of matter be held in abeyance pending this Court's ruling on the motion.

The day after I filed the motion, this Court requested the state file a return within ten days. By a letter dated September 6, 2016, the state requested a ten-day extension to file a return. On September 8, 2016, this Court granted that extension. The state's return is due on September 16, 2016, and as far as I know, the return has not been filed as of this writing. Thus, it was my understanding, perhaps wrongly, that the Court was considering my motion and the timelines were being held in abeyance pending a ruling. Based on this understanding, I have not filed any additional pleadings in the case. Furthermore, I simply could not file a brief in the case as the

missing portions of the transcript prohibit meaningful appellate review.

If you require documentation of any of the pleadings, please contact me and I will be happy to provide them. I look forward to hearing from you regarding how to proceed.

Sincerely,

A handwritten signature in cursive script that reads "Susan B. Hackett".

Susan B. Hackett  
Appellate Defender

cc: J. Benjamin Aplin, Esquire