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SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

September 16, 2016

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

RE: State v. Michael Antwan Spann  
Appellate Case No: 2015-002317

Dear Ms. Kitchings:

I am writing in response to Appellant's "Motion for a New Trial or, in the Alternative, an Order to Reconstruct the Record of Appellant's Trial" in the above referenced case. Please accept this letter in lieu of a formal return. The Return to Appellant's Motion was originally due to be served and filed on September 6, 2016; however, the Court granted the State a 10-day extension in which to serve and file its Return. During that time I have had a chance to discuss the motion with Third Circuit Assistant Solicitor W. Jason Corbett and my assistant has contacted Ms. Desiree Allen with Court Administration in regard to the inability to produce a complete transcript. Please be advised that based on these inquiries Respondent has no objection to the request to remand this matter to the trial court to attempt to reconstruct the record. At this time I am not able to consent to a new trial but acknowledge reconstruction may be a challenge as I have learned Mr. Spann's trial counsel is now deceased.

Sincerely,

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

cc: Susan B. Hackett, Esquire  
W. Jason Corbett, Esquire  
Ms. Trisha Allen