



September 27, 2016

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SC Court of Appeals

VIA HAND DELIVERY

Desiree Allen, South Carolina Court Administration
1220 Senate Street, Suite 200
Columbia, SC 29201-3739

RE: State v. Heather Sims, Appellate Case No.: 2016-001385

Dear Ms. Allen:

I am writing with the hope of remedying an issue that frequently arises with respect to ordering trial transcripts and notifying the Court of Appeals of those transcript requests.

On September 16, my office sent correspondence to the Court of Appeals regarding the requested transcripts in this criminal case. I did this solely to honor my obligation under Rule 207(a)(5), SCACR. A different rule, Rule 607(d), explains that a court reporter shall transcribe and deliver the transcript no later than sixty (60) days after the date of a transcript request. Because of this rule, the Court of Appeals routinely calendars a 60-day deadline for a lawyer like me to notify the Court, in writing, if transcripts have been received. See Rule 207(a)(5). Letters from the Court routinely advise failing to send this notification may result in an appeal being dismissed.

The court reporter's manual is written differently than the rule, and to be clear, I think the difference is reasonable. The manual explains a court reporter may choose to require up-front payment for a transcript and may elect to begin the 60-day deadline once the reporter receives up-front payment. That makes sense as a practical matter—nobody should get “stuffed” for their work—but this creates inconsistent deadlines. The Court of Appeals requires me to provide a status report by one date, and the court reporter is justifiably relying on a different date.

My experience with court reporters is that they work hard and take their jobs seriously. It would be wonderful if the Rule or the manual were revised to eliminate the disparate deadlines. I also wish to thank the court reporters in this case for their excellent work.

Yours sincerely,

Blake A. Hewitt

by email w/ express permission

cc: The Honorable Jenny Kitchings
Court reporters Teresa Bautz, Natalie Dahl, Renee Tollison



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

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