



ALAN WILSON
ATTORNEY GENERAL

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OCT 17 2016

SC Court of Appeals

October 17, 2016

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

RE: State v. Terry McCall
Appellate Case No: 2015-001097

Dear Ms. Kitchings:

I am writing in response to Appellant's "Motion to Hold Appeal in Abeyance and Motion to Remand for Reconstruction of the Record" in the above referenced case. Please accept this letter in lieu of a formal return. I have had a chance to discuss the motion with Thirteenth Circuit Assistant Solicitor SaraLee Drawdy in regard to the incomplete transcript that was prepared by court reporter Carolina Hiskell. Please be advised that based on this discussion and a review of Mr. McCall's motion and attachments, Respondent has no objection to the request to remand this matter to the trial court to attempt to reconstruct the missing portions of the record. To the extent that, upon remand, the trial judge ultimately determines this case must be retried, the State will ask the trial court to rule that any pretrial arguments and rulings for which there is a sufficient transcript and for which therefore do not need to be reconstructed, shall stand for purposes of any future appeals.

Sincerely,

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

cc: John H. Strom, Esquire
SaraLee M. Drawdy, Esquire
Ms. Trisha Allen, Victim Services



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ATTORNEY GENERAL

October 17, 2016

John H. Strom, Esquire
Division of Appellate Defense
S.C. Commission on Indigent Defense
Post Office Box 11589
Columbia, South Carolina 29211-1589

RE: State v. Terry McCall
Appellate Case No: 2015-001097

Dear Mr. Strom:

In a separate letter which was copied to you today, I wrote to the Court of Appeals in response to your previously submitted "Motion to Hold Appeal in Abeyance and Motion to Remand for Reconstruction of the Record" in the above referenced case. In that letter the State advised the Court it has no objection to Mr. McCall's request to remand this matter to the trial court to attempt to reconstruct the missing portions of the record. Given the likelihood a reconstruction order is forthcoming, I am now writing to ask if you would be so kind as to provide Assistant Solicitor Drawdy with a copy of the portions of the record that were able to be transcribed, as well as copies of any other exhibits, pleadings, or other documents or evidence you have collected during the course of the appeal which might be relevant to reconstruction. Thank you for your assistance. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

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

cc: The Honorable Jenny A. Kitchings
SaraLee M. Drawdy, Esquire
Ms. Trisha Allen, Victim Services