



ALAN WILSON  
ATTORNEY GENERAL

October 28, 2016

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SC Court of Appeals

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

RE: State v. Donald Lamon Young  
Appellate Case No: 2014-002655

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. I have had a chance to discuss the motion with Thirteenth Circuit Assistant Solicitor Betty Strom in regard to the incomplete transcript that was prepared by court reporter Caroline Hiskell. Please be advised that based on this discussion and a review of Mr. Young'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. At this time I am not able to consent to a new trial but acknowledge reconstruction may be a challenge given trial counsel's affidavit and the amount of the record which is missing. 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 therefore which do not need to be reconstructed, shall stand for purposes of the new trial and any future appeals.

Sincerely,

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

cc: Susan B. Hackett, Esquire  
Betty Strom, Esquire  
Victim Services