



Division of Appellate Defense
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

November 8, 2012

Ms. Frances A. Bakis-Ray
Circuit Court Reporter
555 Jeffries Lane
Florence, SC 29505-2733

Dear Ms. Bakis-Ray:

Please provide us with the following transcript:

State v. Kelvin Michael Bowen, Jr.,
Appellate Case No. 2011-185566

Case #: 09-GS-45-180.

County: Williamsburg

Date of Trial: August 26, 2010, Motion by the state to obtain a cell phone in the possession of the defense.

Presiding Judge: Clifton Newman

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

Please number the lines on the paper from 1-25, and include any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments.

If you are aware of any co-defendants or if the Attorney General's Office has already requested a transcript, please let us know.

Sincerely,

Emily A. Bryson
Administrative Specialist

cc: S.C. Court of Appeals
Attorney General's Office

1 **THE COURT:** This is concerning State versus Kelvin
2 Michael Bowen, Jr. It's a motion by Mr. Jenkinson.

3 Mr. Jenkinson, yes, sir.

4 **MR. JENKINSON:** Thank you, Your Honor. May it
5 please the Court, I have a formal written motion to quash
6 in this case. I have a extra copy for your clerk. I have
7 also an original and a copy of a memorandum in support of
8 our motion which we will address with the Court as well.
9 The actual subpoena is attached to our memorandum.

10 **THE COURT:** All right, Mr. Jenkinson.

11 **MR. JENKINSON:** In response to the subpoena that
12 was served upon me at the conclusion of the hearing on the
13 26th, I felt that that subpoena which would have been
14 served on me personally as attorney for the defendant
15 required not only for me to respond on behalf of the
16 defendant, but because it was served on me and it's an
17 intrusion upon the attorney/client relationship, that I
18 have documents or items seized from his file or by
19 subpoena, that I would, should be represented by counsel.
20 And to that end, I'd ask Patrick McLaughlin who is a part
21 of the strike force team of the South Carolina Defense
22 Criminal Defense lawyers, who is assigned here by that
23 association to represent me insofar as this issue relates
24 to service upon me and issues related to it. I am going
25 to argue those issues relating to my client in this

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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

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COURT OF APPEALS

Re: State v. Kelvin Michael Bowen, Jr., Appellate Case No. 2011-185566.

Dear Ms. Kitchings:

The initial brief of appellant and designation of matter in the above case is due to be served and filed on November 9, 2012. However, we have discovered that we need an additional transcript. This case was re-assigned to me on September 21, 2012 because Chief Appellate Defender had a conflict. I have requested an extension in the case. When I began reading the transcript, I discovered that a hearing was held on August 26, 2010. I was unaware of this hearing previously. We have requested this transcript today and would request that the time limits be held in abeyance pending receipt of it. A copy of our transcript request is attached. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Susan B. Hackett
Appellate Defender

SBH/eab

cc: Donald J. Zelenka