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Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

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

August 10, 2017

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Jackson, South Carolina 29831

RECEIVED

AUG 11 2017

SC Court of Appeals

Re: State v. Kelvin Jones
Appellate Case No. 2016-001835

Dear Ms. Kitchings:

I am requesting the Court continue to hold the above case in abeyance for an additional thirty days. In February of 2017, I discovered that I did not have a transcript of a motion to suppress and on February 28, 2017, I asked that the time limits be held in abeyance until I received the missing transcript. I believed that the motion to suppress was held on August 13, 2013, and requested the transcript from court reporter Brenda Sigwald on February 28, 2017. After Ms. Sigwald thoroughly researched her records, she advised that there was no transcript of a hearing on August 13, 2013. After further research, I determined that the motion to suppress was actually heard on August 11, 2014.

On April 18, 2017, I requested the August 11, 2014, transcript from court reporter Bethanie K. Creppon. On April 26, 2017, I received an e-mail from Ms. Creppon informing me that the transcript was no longer available.

In July I asked this Court to continue to hold the case in abeyance for an additional thirty days while I determined if there is a way that both parties can agree on the substance of the motion to suppress in order to adequately address the issue on direct appeal without the need for a reconstruction hearing. This Court granted the request and held the case in abeyance until August 13, 2017.

I drafted a proposed stipulation and sent the proposal to the Attorney General's Office for review today. I respectfully request an additional thirty days to determine if we can agree on the stipulation and then send the proposed stipulation to the judge who

presided over the motion to suppress for his approval. My hope is still to avoid the need to move for a remand to the circuit court to conduct a reconstruction hearing.

I would respectfully ask the Court to allow the case to remain in abeyance for an additional thirty days until September 13, 2017, in order to attempt to enter into a stipulation agreement as to the substance of the motion to suppress. I appreciate any consideration you can give in this matter. As always, if you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Kathrine H. Hudgins
Appellate Defender

KHH:lms

Encl.

cc: Benjamin Aplin, Esquire
Desiree Allen, South Carolina Court Administration