



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

September 15, 2017

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

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

ORIGINAL
RECEIVED
SEP 15 2017
SC Court of Appeals

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.

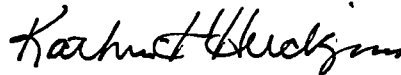
In July I asked this Court to continue to hold the case in abeyance for an additional thirty days while I determined if there is a way that both parties can agree on the substance of the motion to suppress in order to adequately address the issue on direct appeal without the need for a reconstruction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

On August 10, 2017, I drafted a proposed stipulation and sent the proposal to the Attorney General's Office for review. On August 29, 2017, all parties agreed to the proposed stipulation as drafted. On September 6, 2017, I sent the proposed stipulation to

the Honorable Judge Dickson who presided over the suppression hearing. Desiree Allen, Program Manager with Court Administration was also sent a copy of the letter sent to Judge Dickson. Ms. Allen contacted the court reporter and it now appears that the court reporter will be able to provide a copy of the transcript of the suppression hearing. I have attached a copy of the letter from Ms. Allen and the attached email correspondence.

I would respectfully ask the Court to allow the case to remain in abeyance for an additional thirty days until October 15, 2017, in order to obtain the suppression hearing transcript. 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,

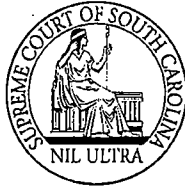


Kathrine H. Hudgins
Appellate Defender

KHH:lms

Encl.

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



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

TONNYA K. KOHN
INTERIM DIRECTOR

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201
PHONE: (803) 734-1800
FAX: (803) 734-0269

September 12, 2017

Kathrine H. Hudgins
Appellate Defender
Division of Appellate Defense
P.O. Box 11589
Columbia, SC 29211-1589

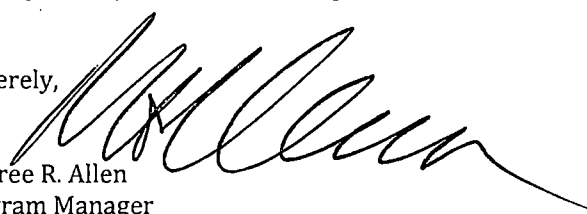
In re: State of South Carolina v Kelvin Jones

Dear Ms. Hudgins:

I have received a copy of your letter to Judge Dickson dated September 6, 2017. The second paragraph of your letter drew my attention because you indicated that the court reporter provided the transcript for the change of venue hearing but was unable to provide the transcript of the suppression hearing. You further indicated that you had no explanation as to why the court reporter was able to provide the transcript of the change of venue hearing but not the suppression hearing. Because it is not acceptable for court reporters to *not* provide an explanation for why a transcript cannot be produced, I contacted the court reporter directly regarding this matter.

I have attached an email which offers that explanation. It appears that Ms. Creppon responded without fully researching her records. I apologize for any inconvenience this has caused you. I would respectfully request that I be contacted if you have questions or need further information from or regarding court reporters and/or transcripts. I will ensure that the response from the court reporter is complete. Thank you for your understanding.

Sincerely,


Desiree R. Allen
Program Manager

Enclosure: Two-Page email correspondence

CC: The Honorable Edgar Warren Dickson
J. Benjamin Aplin, Assistant Attorney General
Megan Burchstead, Assistant Attorney General
Bethanie Creppon, Official Court Reporter

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SEP 13 2017

APPELLATE DEFENSE

KH LS

Allen, Desiree

From: Creppon, Bethanie
Sent: Friday, September 8, 2017 4:18 PM
To: Allen, Desiree
Subject: Re: State v Kelvin Jones

Desiree,

I would also like to add that Ms. Hudgins requested the suppression hearing portion of the transcript. I didn't think this transcript contained that portion, so that is why I informed her that I would not be able to provide it. After reviewing the .pdf version of the transcript that I sent to SCCID in April of 2015, I was able to see that the transcript did in fact contain both the change of venue motion as well as the suppression motion. I apologize for that. Also, I was only able to review the transcript and see everything that it contained due to the fact that it was previously ordered and delivered and I was able to pull that up in my old sent e-mails.

Best,

Bethanie K. Creppon
Circuit Court Reporter to
The Honorable Doyet A. Early, III
PO Box 85411
Lexington, SC 29073

From: Creppon, Bethanie
Sent: Friday, September 8, 2017 3:03 PM
To: Allen, Desiree
Subject: Fw: State v Kelvin Jones

Desiree,

I am forwarding you the e-mail response as well as the letter attachment that I sent to Ms. Hudgins on April 26, 2017 regarding the transcript of the hearing held August 11, 2014, in the case of State vs. Kelvin Jones.

Best,

Bethanie K. Creppon
Circuit Court Reporter to
The Honorable Doyet A. Early, III
PO Box 85411
Lexington, SC 29073

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SEP 13 2017

APPELLATE DEFENSE

From: Creppon, Bethanie
Sent: Wednesday, April 26, 2017 5:53 PM
To: khudgins@sccid.sc.gov
Subject: State v Kelvin Jones

Ms. Hudgins,

I have received your letter dated April 18, 2017 requesting the transcript of the suppression hearing held August 11, 2014 in the case of State vs. Kelvin Jones. I will be unable to provide you with that transcript as it is, unfortunately, no longer available. Please see the attached letter that was sent to Court Administration and others dated June 12, 2015.

Best,

Bethanie K. Creppon
Circuit Court Reporter to
The Honorable Doyet A. Early, III
PO Box 85411
Lexington, SC 29073