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ORIGINAL

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Robert M. Dudek, Chief Appellate Defender
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December 18, 2017

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

RECEIVED
DEC 18 2017
SC Court of Appeals

Re: State v. Dinal Wayne Keith, Appellate Case No. 2017-001088
Request to Hold Case in Abeyance

Dear Ms. Kitchings:

The initial brief of appellant in the above-referenced case is due to be filed with this court on January 12, 2018. However, counsel has discovered that the trial transcript we received for the above referenced individual is missing, at the very least, the closing arguments and jury charges. Counsel cannot properly represent Mr. Keith on appeal without the missing portion(s) of the transcript.

As reflected on page 405 (attached) of the previously provided transcript, the trial court denied the motion for directed verdict, requested the parties to meet with him in chambers to discuss jury charges, and recessed for the day. The transcript then indicates that the jury returned with a verdict on the following day. There is no transcription of any closing arguments or the jury charge. There was no indication in the transcript or otherwise that there was any sort of equipment malfunction; thus, counsel is hopeful that the failure to include the obviously missing portion of the trial was simply the result of an oversight in the original transcript preparation.

We have requested the missing portion(s) of the 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.

By copy of this letter, I am informing Senior Assistant Deputy Attorney General, J. Benjamin Aplin, Esquire, of the above request.

Letter to Court re: Dinal Keith abeyance
December 18, 2017
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If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Laura R. Baer". The signature is written in a cursive, flowing style.

Laura R. Baer
Appellate Defender

Enclosure

cc: J. Benjamin Aplin, Esq.
Dinal Wayne Keith