

ORIGINAL



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

January 5, 2018

RECEIVED

JAN 05 2018

Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
P.O. Box 11330
Columbia, South Carolina 29211

S.C. SUPREME COURT

Re: State of South Carolina v. James Whaley
Appellate Case No. 2017-001610

Dear Mr. Shearouse:

The petition for writ of certiorari and brief pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974) in the above case are due to be served and filed today. However, we do not have a copy of the trial transcript, which is necessary to this appeal. Aimee Zmroczek, Petitioner's post-conviction relief counsel, informed me the court reporter's equipment was stolen from her car, and the transcript cannot be produced. Neither the Attorney General nor the Clerk of Court have the transcript. Therefore, it is my understanding that the transcript does not exist. Nevertheless, we are taking efforts to confirm this.

The court reporter is retired; therefore, we have requested the transcript from Court Administration today and would request that the time limits for this case be held in abeyance pending receipt of it. This case has not been extended, and I will provide a status update to the court within ten days.

A copy of our transcript request is enclosed. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Victor Seeger
Appellate Defender

cc: Julie Coleman, Esquire



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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January 5, 2018

Ms. Cheri L. Young
S.C. Court Administration
1220 Senate Street
Columbia, SC 29201

Dear Ms. Young:

Please provide us with the following transcript:

James C. Whaley v. The State
Appellate Case No. 2017-001610
County: Aiken
Presiding Judge: Doyet A. Early

Case #: 2013-GS-02-01272
Date of Trial: September 12, 2013

Pursuant to the SC Court Reporter's Manual, please number the lines on the paper from 1-25 and include any and all recorded motions (pretrial and post-trial). Consecutive numbering of pages must be used throughout all volumes regardless of the number of volumes involved. Additionally, please transcribe the **jury selection** and the State and defense counsel's **opening and closing arguments** and include the **jury strike sheet**. Please be sure to include **headers** and a **complete index** including a **listing of exhibits**. We understand that this transcript may have been lost and we would like you to confirm if you still have the tapes.

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

SCCID **prefers** that all transcripts are sent via **certified mail**. If you would prefer the convenience of sending transcripts electronically, please use SCCID's file transfer servers found by navigating to <https://scfiledrop.sc.gov>. For further assistance or questions with this service, please contact Ryan Cole at rcole@sccid.sc.gov or by phone at 803-734-1239.

To ensure prompt payment, please sign and complete the enclosed form and include the original criminal case number (indictment number) where the space is provided.

Sincerely,

Paula Murdoch
Administrative Coordinator

cc: S.C. Supreme Court
Attorney General's Office