

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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MAR 15 2018

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Post Conviction Relief

S.C. SUPREME COURT

Honorable Robert E. Hood, Circuit Court Judge

App. Case No.: 2017-002311

Miguel Alejandro Urena, 354385,

Petitioner,

vs.

State of South Carolina

Respondent.

MOTION TO HOLD APPEAL IN ABEYANCE AND
MOTION TO REMAND FOR RECONSTRUCTION OF THE RECORD

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, undersigned counsel requests an order placing Petitioner's appeal in abeyance and remanding this case to the Dorchester County Court of Common Pleas and the Honorable Robert E. Hood in accordance with Petitioner's written challenge to the accuracy of the transcript dated February 27, 2017 and to address the necessity of reconstruction. In support of this Motion, Petitioner alleges the following:

1. On March 16, 2006, Petitioner was tried and convicted in his absence in Dorchester County for trafficking and heroin and received a twenty-five year sentence.
2. On February 21, 2013, Petitioner's sentenced was unsealed.
3. The underlying PCR Application was filed on May 22, 2015.

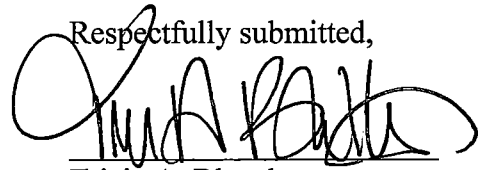
4. On July 5, 2016, Respondent submitted a Return and Motion to Dismiss.
5. A motion hearing was conducted in front of the Honorable Diane S. Goodstein on October 25, 2016, and an Order granting an evidentiary hearing was issued on November 12, 2016.
6. An evidentiary hearing was conducted on February 27, 2016 in front of the Honorable Robert E. Hood. Petitioner was present and represented by Tricia A. Blanchette, Esquire. Respondent was represented by Ruston W. Neely, Assistant Attorney General. Heather Landry was the court reporter present.
7. On August 22, 2017, the Honorable Robert E. Hood issued an Order of Dismissal, which was filed on August 30, 2017.
8. After a timely Motion, an Order was issued by the Honorable Robert E. Hood on September 27, 2017, which was filed on October 4, 2017.
9. A timely Notice of Appeal was filed and counsel sent a request for the evidentiary hearing transcript.
10. A letter was received from Harriett P. Bennett, which is attached, and payment was sent for the transcript.
11. Upon receipt of the transcript from Harriett P. Bennett, counsel sent the attached letter dated January 16, 2018, with copy sent to this Court.
12. Thereafter, the attached letter dated January 24, 2018 was received from Harriett P. Bennett. In response, counsel sent the attached letter to dated January 30, 2018, with copy sent to this Court.
13. Thereafter, the attached letter dated February 2, 2018 from Desiree Allen was received by counsel.
14. As was addressed with Ms. Bennett and Ms. Allen, the evidentiary hearing transcript reports numerous inaudible responses during the testimony of Petitioner. The following are the page citations, which are attached for the Court's review: p. 15, ln. 15, p. 16, lns. 19, 24, p. 22, ln. 14, p. 24, ln. 13, p. 27, ln. 9, p. 32, ln. 23, p. 34, lns. 3, 17, p. 37, ln. 6, p. 39, ln. 15, p. 45, ln. 25, p. 46, ln. 23, p. 52, ln. 12.
15. At no point does the record reflect the court reporter indicating any issue with understanding or reporting the testimony of Petitioner. Petitioner has provided an Affidavit, which is attached.
16. Additionally, the co-defendant's name Muriel is in error throughout the transcript and the case name White is reported as Wyatt.

17. By way of Ms. Allen's letter, she instructed counsel to file a written request with the presiding judge, but counsel cannot proceed with such request due to the pending appeal.

18. Under the any evidence standard of review, it is imperative that there is a complete record of Petitioner's testimony at the evidentiary hearing.

Therefore, to ensure meaningful appellate review, Petitioner, through counsel, is requesting the appeal be held in abeyance and the case be remanded to the Dorchester County Court of Common Pleas to address the matter of the accuracy of the transcript and/or reconstruction with the Honorable Robert E. Hood. Petitioner further requests that Court Administration be ordered to maintain the records until the conclusion of the appeal or whatever time the Court deems suitable.

Respectfully submitted,



Tricia A. Blanchette
S.C. Bar No. 74904
PO Box 2147
Leesville, SC 29070
(803) 908-3266

March 13, 2018

EXHIBIT A

HARRIET P. BENNETT
Reporter, S. C. Court Administration
46 Regency Oaks Drive
Summerville, S.C. 29485
December 7, 2017

Tricia A. Blanchette, Esq.
P. O. Box 2147
Leesville, S.C. 29070

IN RE: Miguel Alejandro Urena v. State
2015 CP 18 994

Dear Ms. Blanchette:

Desiree Allen with Court Administration has forwarded to me your request for a Transcript of Record in the above matter, which was taken by a now retired Reporter in the Court of Common Pleas for Dorchester County on February 27, 2017.

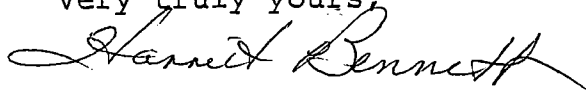
I have reviewed the material and believe that the record will cost approximately the following amount: 100 pages @\$3.25 per page, or \$325.00.

This page rate was set by the South Carolina Supreme Court for your information.

I would ask that if you still desire to have the record prepared that you forward to me a check in the above amount. If the transcript total comes to less, I will refund the balance. If the total cost of the transcript is more, I will bill you for the balance when the record is sent to you.

The transcript will be furnished to you within two weeks from the date of receipt of your check. If you have any questions, please call me at (843) 640 9941.

Very truly yours,



copy to Ms. Desiree Allen, Court Admin.

LAW OFFICE OF
TRICIA A. BLANCHETTE

January 16, 2018

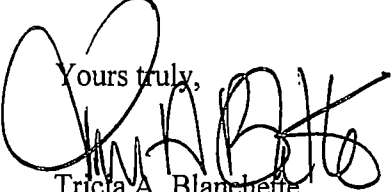
Harriet P. Bennett
Reporter, SC Court Administration
46 Regency Oaks Drive
Summerville, SC 29485

RE: Miguel Alejandro Urena v. State; Docket No.: 2015-CP-18-994

Dear Ms. Bennett:

I am in receipt of the transcript of the evidentiary hearing in the above referenced matter. I have briefly reviewed it prior to notifying the South Carolina Supreme Court of my receipt. I am contacting you because I am very concerned about the number of inaudible responses reported during the testimony of my client Miguel Urena. I was present in the courtroom and recall all his responses being audible. I am writing to ask that you review the tapes regarding the number of reported inaudible responses. If these portions remain inaudible, I am left with an incomplete record and may need to move to reconstruct.

Thank you for your assistance with this matter. Please do not hesitate to contact me with any questions.

Yours truly,

Tricia A. Blanchette
Attorney at Law

cc: South Carolina Supreme Court
South Carolina Court Administration
Megan Jameson, Sr. Assistant Deputy Attorney General
Miguel Urena

HARRIET P. BENNETT
Reporter, S. C. Court Administration
46 Regency Oaks Drive
Summerville, S.C. 29485

January 24, 2018

Tricia A. Blanchette, Esq.
P. O. Box 2147
Leesville, South Carolina 29070

IN RE: Miguel Alejandro Urena v. State
2015 CP 18 994

Dear Ms. Blanchette:

I am writing in reply to your letter dated 1/16/18 which I received on Monday of this week.

I was not the reporter who recorded the proceedings. I retired from the Judicial Department about 15 years ago and have been transcribing records of other reporters who have retired or have ceased this work. The process is that I prepare transcripts from audio records sent to me by Court Administration.

This particular transcript was difficult due to the fact that your client speaks with a heavy Mexican accent and speaks quite fast in answering questions. I mean no disrespect to you or to him but I had a great deal of trouble understanding him. I remember remarking to Ms. Allen that an interpreter should have been appointed for him.

I spent a great deal of time listening to his testimony in the preparation of the record. As I recall, there were a few occasions in the record when the Defendant was stopped by the Judge or by you in order for him to make something clearer that he had been saying or to ask him to slow down.

I have certified the transcript as being prepared to the best of my ability as I was not there taking down the proceedings and not face to face with your client. I had only the audio recording and what available paperwork there was to prepare the transcript.

Very truly yours,

Harriet Bennett

Copies to:
S. C. Court Admin.
South Carolina Supreme Court
Megan James, Esq.
Senior Attorney General

LAW OFFICE OF
TRICIA A. BLANCHETTE

January 30, 2018

Desiree Allen
S.C. Court Administration
1220 Senate Street
Columbia, SC 29201

RE: Miguel Alejandro Urena v. State; Docket No.: 2015-CP-18-994

Dear Ms. Allen:

I represented Miguel Urena on his PCR Application from which an appeal has been filed in the South Carolina Supreme Court. In September, I requested two transcripts from Heather Landry. I have enclosed a copy of my second request for the transcript from the motion hearing in October 2016. I have not received a response regarding this request.

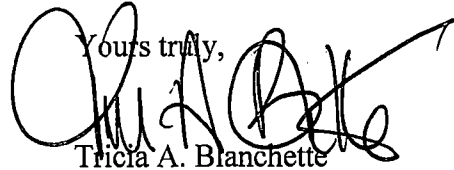
In September, I also requested the transcript from his evidentiary hearing. In response, I received a transcript from Harriett Bennett, and I sent the enclosed letter to her on January 16, 2017, as a challenge to the transcript. This letter was copied on your office. Yesterday, I received her enclosed letter in response.

In the letter, she indicates she discussed the matter with you and provided her opinion that she shared with you regarding the need for an interpreter. I am very concerned by this comment as Ms. Heather Landry never indicated any problem understanding my client. Furthermore, my client grew up in the United States and was educated in the United States. As a result of his verbal fluency, he has been utilized as interpreter while incarcerated.

I am writing to you prior to moving for reconstruction to ensure I have done proper due diligence. First, I ask that I be provided information as to why Ms. Landry is not providing the transcription. Second, I ask that I be provided information as to why Ms. Landry's contemporaneous typing or verbal recording is/is not being utilized. Finally, I ask that a second court reporter review the sections Ms. Bennett has deemed inaudible and that the tapes or whatever materials provided by Ms. Landry and relied upon by Ms. Bennett not be destroyed.

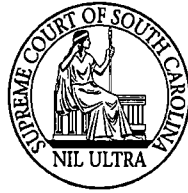
LAW OFFICE OF
TRICIA A. BLANCHETTE

Thank you for your assistance with this matter. Please do not hesitate to contact me with any questions.

Yours truly,


Tricia A. Blanchette
Attorney at Law

cc: South Carolina Supreme Court
Christian Saville, Assistant Attorney General
South Carolina Court Administration
Miguel Urena



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

February 2, 2018

Tricia Blanchette, Attorney at Law
P.O. Box 2147
Leesville, SC 29070

In re: Miguel Alejandro Urena v State of South Carolina, 2015CP1800994

Dear Ms. Blanchette:

This is in response to your letter dated January 30, 2018, regarding transcripts in this matter. The first request received in this office was dated **November 29, 2017**. In that letter you requested a transcript from his evidentiary hearing on *February 27, 2017* before Judge Hood in Dorchester County. In that letter you also reference a request that was submitted in September, and say, "but it appears it was not received". All transcript requests for court reporters no longer employed by S.C. Court Administration, including Ms. Landry, are forwarded to my office. I can confirm that no other requests for transcripts regarding this matter were received. You have included with this correspondence a transcript request dated **January 30, 2018** for a motion hearing before Judge Goodstein in Dorchester County on *October 25, 2016*. I will direct that this transcript be prepared as soon as possible. I am certain it will be prepared well before the due date of March 30, 2018.

Your letter indicates that in September you requested a transcript from an evidentiary hearing. Our records reflect that the transcript request for the evidentiary hearing on *February 27, 2017* was dated **November 29, 2017**. Ms. Bennett has advised me that the transcript ordered on November 29, 2017 was delivered on January 8, 2018. The letter you attached from Ms. Bennett indicates that your letter to her dated January 16, 2018, was received, "on Monday of this week". That would have been January 22, 2018. In her letter to you dated January 24, 2018 she responded to your challenge to the transcript.

You have asked why Ms. Landry is not providing the transcription. When court reporters leave our employ, they have to deliver their records to this office. They have

Tricia A. Blanchette
February 2, 2018
Page Two

no further obligation to prepare transcripts that are requested. That obligation is upon S.C. Court Administration, who retains the records for the five-year period required in Rule 607. Ms. Landry's records and digital backup recordings are utilized in the preparation of requested transcripts where she was the assigned court reporter. In accordance with the challenge procedure outlined in the S.C. Court Reporter Manual, when there is a challenge to the accuracy of a transcript, the court reporter is required to review the record and report findings to the challenger. Ms. Bennett has done this in her letter dated January 24, 2018. Further review of the record may be permitted by the presiding judge upon written request with good cause shown. The records used to prepare the *February 27, 2017* evidentiary hearing transcript will be retained for a one-year period before they are destroyed. I will make these records available within that time frame once I am notified that the presiding judge has ordered a further review. Thank you for allowing me to address your concerns.

Sincerely,



Desiree R. Allen
Court Reporter Manager

CC: South Carolina Supreme Court
Christian Saville, Assistant Attorney General
Miguel Urena (Ms. Blanchette requested to provide)

EXHIBIT B

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Post Conviction Relief

Honorable Robert E. Hood, Circuit Court Judge

App. Case No.: 2017-002311

Miguel Alejandro Urena, 354385,

Petitioner,

vs.

State of South Carolina


Respondent.

AFFIDAVIT OF PETITIONER

PERSONALLY appeared before me, Miguel Alejandro Urena, who being duly sworn, deposes and says:

1. I am the Petitioner in the above referenced appeal.
2. I was represented by Tricia A. Blanchette, Esquire, on my PCR Application in Dorchester County, and she is my counsel on my appeal referenced above.
3. I affirm that my counsel has provided me a copy of the correspondence with the court reporter, Court Administration, the South Carolina Supreme Court and a copy of the transcript of the evidentiary hearing conducted on February 27, 2017.
4. I affirm that I have met with my counsel at Lee Correctional Institution, and I have reviewed the transcript at issue.

5. In response to the court reporter's assertion in her letter that an interpreter was needed, I affirm that while I am of Hispanic descent, I was educated in the United States, and I have no issue with understanding or speaking English. I affirm that my counsel had obtained the services of an interpreter as a precaution, but the interpreter was not used. The use of interpreter makes the proceeding confusing to me since I comprehend and speak in the English on my own.
6. I affirm that the court reporter did not communicate to me at the evidentiary hearing that my answers were unable to be understood or were inaudible as reported in the transcript.
7. I affirm that I have requested that my counsel ask to have my appeal held in abeyance and have the matter remanded to the lower court to ensure that there is a complete transcript of my answers at the evidentiary hearing.


Miguel Alejandro Urena

SWORN TO before me this 26th
day of FEB, 2018.

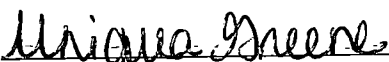
 (L.S.)
Notary Public for South Carolina
My Commission Expires: 9-29-2027



EXHIBIT C

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF DORCHESTER)
3
4 MIGUEL ALEJANDRO URENA)
5 Petitioner)
6 versus)
7
8 STATE OF SOUTH CAROLINA)
9 Respondent)

COURT OF COMMON PLEAS
No. 2015 CP 18 0994

TRANSCRIPT OF RECORD

St. George, South Carolina
February 27, 2017

13 B E F O R E :

14 HONORABLE ROBERT E. HOOD, Judge Presiding

16 A P P E A R A N C E S :

17 For the Petitioner: TRICIA A. BLANCHETTE, Esq.

18 For the State: RUSTON W. NEELY, Esq.
Assistant Attorney General

20 Reporter Present: HEATHER LANDRY

21
22 HARRIET P. BENNETT
Reporter, S. C. Court Administration
23 46 Regency Oaks Drive
Summerville, S.C. 29485
24
25

M. URENA ON DIRECT

1 A. Yes, I am,

2 Q. Okay, let me take you back to Novemer fifth of 2004.
3 What occurred on that day?

4 A. Well, I had stop for some gas and I had dropped my
5 brother off in Ladson and he got behind me and he stop me
6 for doing nothing.

7 He had stop me and he say that that my car was going
8 like that.

9 Q. And when you say going like that, you need to describe
10 it because we have a Court Reporter taking down everything
11 we say today.

12 A. He say that my wheel -- my tires, they was moving this
13 way.

14 Q. And where are you from?

15 A. I was from (inaudible) and I was going through there.

16 Q. You were driving through Dorchester County on that
17 day? Is that correct?

18 A. Yes, to I-95.

19 Q. Okay, and you were involved in a traffic stop out on
20 I95?

21 A. Yes.

22 Q. Okay.

23 A. He want to give me a ticket.

24 Q. Okay, take us through the traffic stop and tell us what
25 occurred.

1 A. Yes, maam. He ask me for my identification and I gave
2 it to him, and he say my tire was loose.

3 THE COURT: I'm sorry. I want to make sure I hear every-
4 thing you say. So don't talk too fast so I can make sure I am
5 catching everything you are saying.

6 Okay, go ahead..

7 A. He ask me for my ID identification and I give it to him,
8 my passport, my ID card, and he ask me if I got a license and
9 I told him no.

10 So then he said I wasn't supposed to be driving and I was
11 trying to explain, and he gave a warning ticket. So he check
12 my identification and he said I could go and he shake my hand,
13 and then for no reason he said to go behind his car.

14 So we go behind the car. I say okay, and it was ridicu-
15 lous. He start looking at the car and I ask him a couple of
16 times why he was doing that. He say with a nine eleven he can
17 do whatever he want, and I said, well, that's illegal what you
18 doing.

19 (Portion inaudible.)

20 So after I was waiting while he did that and after that's
21 when I was taken to his office and that's when I was under ar-
22 rest. He put me in his car and that's the last thing I know.
23 He took me to the County and I was there for hours and I had
24 thought I would be released (Portion inaudible).

25 And so I was asking if I could make a call to my friend

M. URENA ON DIRECT

1 A. By the summer of 2005 Mr. Bell said he didn't represent
2 us no more, and Mr. Quattlebaum was representing Mr. Murez
3 so he took the practice.

4 Q. So that is your understanding of Mr. Quattlebaum rep-
5 resenting Mr. Murez and Mr. Bell was representing you?

6 A. Yes.

7 MS. BLANCHETTE: Your Honor, may I approach the wit-
8 ness again?

9 THE COURT: Yes, just approach as you need to.

10 MS. BLANCHETTE: Okay. Thank you, Your Honor.

11 BY MS. BLANCHETTE:

12 Q. Mr. Urena, can you identify these documents that have
13 been premarked as Applicant's Exhibit Number 10?

14 A. Yes. (Portion inaudible)

15 Q. Okay, what's the date on this letter?

16 A. . .

17 Q. The first letter?

18 A. July 28, 2005.

19 Q. And it's written to you, is that correct?

20 A. Yes.

21 Q. Okay. Can you look at the last page, the third page?

22 A. . .

23 Q. Do you see a second letter there?

24 A. Yes.

25 Q. What is the date on that letter?

MR. URENA ON DIRECT

1 Q. So as far as you knew there was not any firm plea
2 offer on the table?

3 A. Not that I know.

4 Q. Okay. Now, you stated in your testimony that you be-
5 lieved Mr. Murez was being represented by Mr. Quattlebaum,
6 is that correct?

7 A. Yes.

8 Q. And as a part of my representation in the PCR did you
9 ask me to get records from Mr. Murez?

10 A. Yes, I have.

11 Q. I'm going to hand you what's been premarked as -- I be-
12 lieve it's Number 11. Can you review that document, please?

13 A. Yes. (Portion inaudible)

14 Q. And on that document does it indicate a disposition
15 date for Mr. Murez?

16 A. Say that again? I didn't understand.

17 Q. Does it indicate a disposition date for Mr. Murez?

18 A. I can't say . . .

19 Q. Okay. On this document, there is a disposition date of
20 March 16, 2006. Do you see that in that first section here?

21 A. March 16, 2006, yes.

22 Q. Okay, and right above it what does it say the disposi-
23 tion was?

24 A. . .

25 Q. The line right above that date.

1 trafficking in heroin.

2 In here, it says I tried to reach you by telephone
3 and could not. Were you aware that Mr. Bell was trying to
4 reach you?

5 A. No. My mother said she didn't know and my sister
6 didn't know. They didn't hear from Mr. Bell, and I go to
7 visit my mother every day. I was even there and I didn't
8 know.

9 (Portion inaudible)

10 After I receive this letter I was calling Mr. Bell
11 to see what I was supposed to do but I got no answer. He
12 was not there.

13 Then I call Mr. Quattlebaum. I got this letter be-
14 fore about Mr. Quattlebaum, so I ask about myself, and
15 he say call Mr. Bell. I never could contact Mr. Bell
16 again.

17 Q. All right, and so it would be abundantly clear as it
18 is the real crux in your case, did you receive anything in
19 writing that said, Mr. Urena, you need to be in South
20 Carolina on March 16 of 2006 or you will be tried in your
21 absence and most likely be found guilty of a mandatory
22 sentence?

23 A. No.

24 Q. Okay. Did you ever have discussions with Mr. Bell that
25 you could not make it on this specific day of March 16 of

MR. URENA ON DIRECT

1 MS. BLANCHETTE: She did, yes.

2 THE COURT: Okay.

3 MS. BLANCHETTE: It was marked at that time.

4 THE COURT: It is a part of the record then.

5 MS. BLANCHETTE: Thank you, Your Honor.

6 BY MS. BLANCHETTE:

7 Q. Now, Mr. Urena, we have jumped around a little bit but
8 we've talked about the fact that you were tried in your ab-
9 sence on March 16, 2006. We've mentioned that date a couple
10 of times.

11 A. Yes.

12 Q. You subsequently received a letter from Mr. Bell but then
13 you were not able to get in touch with him. Is that correct?

14 A. Yes, maam.

15 Q. Okay, and on November third of 2010 you were arrested
16 and detained in New York. Is that correct?

17 A. Yes, I was.

18 Q. Okay, and what type of sentence did you receive in 2012
19 in New York?

20 A. In New York four years.

21 Q. Okay. Did you have an attorney representing you in New
22 York?

23 A. Yes, Ms. (inaudible).

24 Q. Okay, and on January 20, 2013, you were released, is that
25 correct?

32

M. URENA ON DIRECT

1 next thing that happened?

2 A. They -- what they do when they extradite me, they give
3 you your rights. (Portion inaudible)

4 Q. Do you recall on February 21, 2003, being brought into a
5 Court in front of Judge Dickson?

6 A. In 2003, yes.

7 Q. Okay, and who was the attorney that appeared that day?

8 A. Mr. Bell.

9 Q. What was your reaction in seeing Mr. Bell in the Court-
10 room that day?

11 A. I was surprised to see him, and he told me that he was
12 my lawyer and he would represent me. I didn't know him.

13 Q. And what happened once you got in the Courtroom?

14 A. Mr. Bell -- the Judge ask me if I understand and I said,
15 yes, I do. Then Mr. Bell talk to him. So the Judge, he said
16 to do what Mr. Bell say, but Mr. Bell didn't talk to me. He
17 just left. (Portion not audible)

18 Q. I had trouble understanding you. Did you say Mr. Bell
19 left right away after your sentence is opened?

20 A. I got the sentence and Mr. Bell was leaving right then.

21 Q. So after your sentence was opened, did Mr. Bell advise
22 you that you had ten days to file a direct appeal or one year
23 to file a PCR application?

24 A. No.

25 Q. Okay. What happened once you went back to the Detention

M. URENA ON DIRECT

1 Consent Order to modify sentence?

2 A. Uh, they brought me a paper and said I needed to sign it,
3 and I told them it was illegal and I didn't want to (inaudi-
4 ble) and they try again. But I tell them I want to think
5 about this thing. That was the only thing they give me to
6 sign. (Portion inaudible)

7 Q. All right. So was it you understanding that they were
8 going to be filing a direct appeal but they provided you a
9 Consent Order to modify sentence?

10 A. I told him I had ten days but it was more than ten days
11 later. So I told him okay, get my file.

12 Q. Did you ever receive any documents from them regard-
13 ing a direct appeal?

14 A. Never did see documents until today. I never got any
15 from them.

16 Q. Okay, and what you did receive was a Consent Order to
17 modify sentence?

18 A. That was in December that I get that.

19 Q. Let me hand you a copy of that which has already been
20 admitted. What were the issues that you raised to them when
21 they brought you the Consent Order to modify sentence?

22 A. The information that I had.

23 Q. Can you please explain?

24 A. About the stop in 2004 and all the information on that,
25 and what had happened since that time. All the information I

1 after you sent that in?

2 A. . .

3 Q. Did you receive anything from the Dorchester County Clerk
4 of Court's Office saying they received your PCR application?

5 A. No, I never hear nothing and so I was talking with my
6 sister and ask her to call Dorchester County. I was wonder-
7 ing when I was going to.

8 Q. Did you also check in with the mail room and do a re-
9 quest to the staff to look into the amount that was deducted
10 and if it was properly done?

11 A. Yes, I did.

12 Q. And I'm going to hand you this two page document. Can
13 you identify it for the record, please?

14 A. That was a request that I was asking them -- yeah. I did
15 that because they said I don't have no proof. (Portion inaud-
16 ible)

17 Q. So what is the answer there that matters to you?

18 A. Say again.

19 Q. What is the information on that page that matters -- mat-
20 ters to you?

21 A. . .

22 Q. As far as your PCR application, what does it say?

23 A. The stamps that was on my PCR.

24 Q. So that reflects the postage that was deducted from your
25 account. That was your request to get that receipt?

M. URENA ON CROSS

1 (Brief pause)

2 BY MR. NEELY:

3 Q. Mr. Urena, there has been some discussion about your
4 original bond that you received. Do you recall going be-
5 fore a Judge on the original bond?

6 A. I think I went to two and there was a condition that
7 was given to me. You probably have that.

8 Q. Okay.

9 MR. NEELY: Your Honor, may I approach?

10 THE COURT: You may. You all don't need to ask me to
11 approach. Just approach.

12 Q. Mr. Urena, I'm handing you your original bond. Is this
13 your signature?

14 A. Yes, it is.

15 Q. Okay, and do you recognize what this is?

16 A. Yes

17 Q. What does that say?

18 A. It was a bond. I've seen it before.

19 Q. Okay. Is this called a bond report?

20 A. Si.

21 Q. Is this your magistrate court bond report?

22 A. Yeah, I think so.

23 Q. If you can, would read for us from this? Would you read
24 what that says right there?

25 A. (Difficult to hear) . . . continue to not leave the State

1 of South Carolina until court date . .

2 MR. NEELY: Your Honor, the State would like to intro-
3 duce this Exhibit, Exhibit 1.

4 THE COURT: Any objection?

5 MS. BLANCHETTE: Your Honor, I have no objection. I do
6 not know the Court's position on the fact that his Social
7 Security Number is on the front page of that . .

8 THE COURT: Redact that number.

9 (Bond report admitted in evidence without objection as
10 State's Exhibit 1, with redaction)

11 THE COURT: It's admitted now but it will be redacted
12 later.

13 MR. NEELY: Yes, sir.

14 BY MR. NEELY:

15 Q. So the original bond . .

16 THE COURT: Hold up.

17 (Brief pause)

18 THE COURT: Okay.

19 Q. The original Bonding Order you had told you that you
20 could not leave the State of South Carolina?

21 A. And then he told me after that that I can. When I got
22 out of there, Mr. Smith was waiting for me and drive me then
23 to (inaudible) and he know I plan to leave.

24 Q. Okay, but on the bond paperwork it does say that you're
25 not to leave the State of South Carolina?

M. URENA ON CROSS

1 to trial?

2 A. He told me but he didn't tell me the date.

3 Q. So then after that at some point you knew you had been
4 found guilty in South Carolina and the sentence remained un-
5 sealed so your right to appeal couldn't start?

6 A. I don't know.

7 Q. According to the letter Mr. Bell sent you?

8 A. He said I had the right to appeal and I didn't know what
9 to do. The PCR I didn't know what it was.

10 Q. And there has been a little bit of confusion in the
11 questions about whether you could make it back from New York
12 to South Carolina, and you told Mr. Bell that (inaudible)?

13 A. Say again?

14 Q. You told Mr. Bell that it was difficult for you to get
15 back to South Carolina from New York because you didn't have
16 the money?

17 A. No, I didn't talk to him -- I didn't. I call him at the
18 office but he wasn't there. The last time I talked to Mr.
19 Bell I had told him I wanted to get here for the trial but
20 I wasn't sure of the date.

21 (Brief pause)

22 BY MR. NEELY:

23 Q. Okay, Mr. Urena, I want to show you what looks like a
24 letter -- have you seen that?

25 A. Yes.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

MAR 15 2018

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Post Conviction Relief

S.C. SUPREME COURT

Honorable Robert E. Hood, Circuit Court Judge

App. Case No.: 2017-002311

Miguel Alejandro Urena, 354385,

Petitioner,

vs.

State of South Carolina

Respondent.

CERTIFICATE OF SERVICE

I, Tricia A. Blanchette, Attorney for Petitioner, hereby certify that a copy of the Motion to Hold Appeal in Abeyance and Motion to Remand, and accompanying Exhibits, were hand delivered to Christian Saville, Assistant Attorney General, this 15th day of March 2018 at the following address:

Office of the Attorney General
ATT: Christian Saville, Ast. AG
1000 Assembly Street, 5th Floor
Columbia, SC 29201



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March 15, 2018