



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

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

July 9, 2018

RECEIVED

JUL 09 2018

S.C. SUPREME COURT

Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Kristy Merritt Rich v. State of South Carolina, Appellate Case No. 2018-000524
Request to Hold Case in Abeyance

Dear Mr. Shearouse:

The petition for writ of certiorari and accompanying appendix in the above-referenced case are due to be served and filed on August 17, 2018. The case was assigned to me when I returned from maternity leave on July 2, 2018. In reviewing the PCR hearing transcript and order of dismissal, I discovered that this case involves an *Austin* claim that Ms. Rich's first PCR attorney rendered ineffective assistance of counsel in failing to seek review of a 2015 PCR order. The Attorney General's Office informed my office that have not obtained the transcript of the previous PCR hearing, held February 3, 2015. The transcript of the prior PCR hearing is necessary to this appeal, as the petition I file must raise the question of waiver of the right to appellate review of the previous post-conviction relief order and must contain a "Statement of *Austin* Questions." See King v. State, 308 S.C. 348, 349, 417 S.E.2d 868, 869 (1992). We have requested this 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 the Attorney General's Office of this request.

Please accept this letter in place of a formal motion. If you have any questions or need additional information, please contact me.

Sincerely,

Laura R. Baer
Appellate Defender

Enclosure

cc: Johnny James, Esq.
Kristy Rich



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S.C. SUPREME COURT

Ms. Natalie Dahl
Circuit Court Reporter
P. O. Box 762
Conway, SC 29526

Dear Ms. Dahl:

Please provide us with the following transcript:

Kristy Merritt Rich v. The State
Appellate Case No. 2018-000524
County: Horry
Presiding Judge: G. Thomas Cooper, Jr.

Case #: 2013-CP-26-6669

Date of Trial: February 3, 2015

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**.

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 choose to send transcripts electronically, you must use the SC Department of Technology's file transfer service at <https://scfiledrop.sc.gov>. New users click the register button to sign up for the service. For assistance with registration or passwords, contact the SC Department of Technology Service Center at 803-896-0001, option 2.

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,

Mary Brooks
Administrative Assistant

cc: S. C. Supreme Court
Johnny James Jr., Esquire
S. C. Court Administration