

1 to go through all the foundation for each of those exhibits
2 when you've agreed on them. Okay? Can y'all work on that,
3 or have y'all worked on that in advance?

4 AST. SOL. PATRICK: Yes, Your Honor.

5 THE COURT: Okay. All right. Is there anything else
6 other than the fact that I don't take speaking objections?
7 So if you have an objection, you should be able to tell me
8 succinctly what that objection is, whether it's leading,
9 pitting, relevance, you know the plethora of objections,
10 foundation. And if I need argument, I'll have it at the
11 bench. I always have my bench conferences recorded. And if
12 I need to excuse the jury, I will hear additional argument,
13 but I will rule contemporaneously. All right. Yes, sir?

14 MR. PEPER: Thank you, Judge. May it please the Court?
15 You asked us earlier last week for Mr. Price and I maybe get
16 together and offer you some guidance as to the order. We've
17 done so if you want to take note of that.

18 THE COURT: Perfect. Yes. I assumed by the way y'all
19 were sitting ---

20 MR. PEPER: Right.

21 THE COURT: --- that Mr. Price was going to go first
22 and you were going to go second.

23 MR. PEPER: That's correct.

24 THE COURT: If y'all switch up, it doesn't matter.
25 I'll just say counsel proceed. And whichever one of y'all

Flynn, Sean

From: Murdoch, Paula
Sent: Monday, August 13, 2018 11:24 AM
To: Gilliam, Taylor; Hackett, Susan
Subject: FW: The State v. Justin M. Wilson and The State v. Marvin D. Bryan- 2017-GS-10-4160,4161,4162,4163,4165,4166,4167
Attachments: Justin Wilson and Marvin Bryan Trans - bench conferences - Charleston County.pdf

Paula Murdoch
Appellate Defense Division
Commission on Indigent Defense
803-734-1330

From: Murdoch, Paula
Sent: Monday, August 13, 2018 11:23 AM
To: Allen, Desiree <DAllen@sccourts.org>
Subject: The State v. Justin M. Wilson and The State v. Marvin D. Bryan- 2017-GS-10-4160,4161,4162,4163,4165,4166,4167

Good morning, Desiree

Our office is handling both Justin M. Wilson and Marvin D. Bryan appeals. Upon reading the trial transcript, the attorneys realized that Judge Deadra L. Jefferson talks about her bench conferences always being recorded on page 52 (attached for better identification).

The court reporter was Heather R. Landry. Ms. Landry is retired. The bench conferences were not transcribed and the attorneys need them.

Do you have a way to find out and tell me if these bench conferences are part of Ms. Landry's tapes?

Our attorneys need to know if they do a request (for the bench conferences) or a reconstruction.

I also have to let you know that this is time sensitive and both attorneys are working on a short deadline.

Desiree, if you can respond as soon as possible, please, we would all appreciate.

Thank you.

Paula Murdoch
Appellate Defense Division
Commission on Indigent Defense
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

RECEIVED

AUG 17 2018

SC Court of Appeals

August 17, 2018

VIA ELECTRONIC MAIL AND U.S. MAIL

Ms. Desiree Allen
S.C. Court Administration
1220 Senate Street
Columbia, South Carolina 29201

Re: State v. Marvin Donte Bryan | Appellate Case No. 2017-001468

Dear Ms. Allen:

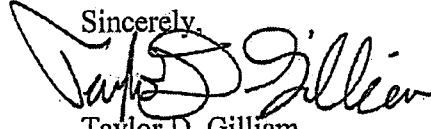
I represent Marvin Bryan in his direct appeal before the South Carolina Court of Appeals. Appellate Defender Susan B. Hackett represents Justin Martel Wilson. The joint trial of these two co-defendants trial took place June 19 – 23, 2017 before the Honorable Deadra L. Jefferson in Charleston County. The Court Reporter was Heather R. Landry. Our office requested the transcripts on August 23, 2017. We received them on February 20, 2018.

Located within the transcript are remarks from the trial judge (pg. 52, enclosed) at the outset of trial indicating that she did not allow speaking objections. She requested that argument only take place at the bench and assured the parties and their attorneys that her bench conferences were always recorded. However, the transcript does not contain any such conferences; each time that a bench conference took place (approximately thirty-three instances), a parenthetical signified that a bench conference was held off the record and out of the hearing of the jury panel.

I am informed and believe that Heather Landry is now retired. I also understand that Pamela Greene assisted with the preparation of the transcript. I have left a message with Ms. Greene but not heard back. Paula Murdoch, Administrative Coordinator of the Appellate Defense Division, requested an update in this matter by way of an e-mail dated August 13, 2018 (e-mail enclosed).

Time is of the essence. I will have to ask the Court of Appeals to hold this matter in abeyance, and I may have to move before the Court for an order to reconstruct the record of these bench conferences. This endeavor will be costly and time-consuming for all involved.

Please let me know upon receipt of this letter whether you will assign a court reporter to review the tapes to determine if the bench conferences were recorded and can be transcribed.

Sincerely,

Taylor D. Gilliam
Appellate Defender

Enclosures

cc: *via U.S. mail only*

J. Benjamin Aplin, Esquire
Susan B. Hackett, Esquire
Heather Landry, Court Reporter
The Honorable Jenny Abbott Kitchings,