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ATTORNEY GENERAL

August 29, 2018

RECEIVED
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SC Court of Appeals

Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The State v. Marvin Donte Bryan, Appellate Case No. 2017-001468; and
The State v. Justin Martel Wilson, Appellate Case No. 2017-001461.

Dear Ms. Kitchings:

Please accept this letter in lieu of a formal return to the motions to reconstruct in the above cases. Respondent respectfully requests that action on the motions be deferred until Court Administration confirms availability. Opposing counsel consents to a deferred ruling for no longer than 30 days. Respondent will consent to the motions to reconstruct if Court Administration confirms the bench conferences are not available from the retired court reporter's tapes.

Page 52 of the transcript from the joint trial held June 19-23, 2017, reflects the Honorable Deadra L. Jefferson prohibited speaking objections, and directed that argument be at the bench when needed. Judge Jefferson anticipated that the conferences would be recorded. *Id.* Appellate counsel has reported the transcript, however, did not contain recorded bench conferences. Further, appellate counsel attempted to obtain a transcript including those conferences, but has not yet received confirmation on whether they are available for transcription. (Transcript Correspondence filed August 17, 2018). Today, I have reached out to Ms. Desiree Allen at Court Administration. Ms. Allen kindly reached out to the court reporter to determine if the conferences were actually on the record. She does not anticipate that confirmation as to whether the conferences were recorded would take longer than 30 days. If they are available, the motions to reconstruct may be rendered moot. Therefore, with consent, Respondent respectfully requests the court defer a ruling on the pending motions for 30 days.

Sincerely,

Melody J. Brown
Senior Assistant Deputy Attorney General

cc: Taylor D. Gilliam, Appellate Defender
Susan B. Hackett, Appellate Defender
Desiree Allen, Court Administration
Trisha Allen, Victims Assistance