

Brooks, Mary

From: Brooks, Mary
Sent: Friday, September 28, 2018 9:57 AM
To: 'Lumpkin, Peyre T.'
Subject: RE: Lawrence Kelley

Good morning,

Robert Pachak is retiring effective October 1, 2018. This case has been reassigned to Appellate Defender Taylor Gilliam. Thank you for your help, it is greatly appreciated.

-Mary

From: Lumpkin, Peyre T. <plumpkin@sccourts.org>
Sent: Friday, September 28, 2018 9:39 AM
To: Brooks, Mary <mbrooks@sccid.sc.gov>
Subject: RE: Lawrence Kelley

Mary,

I have spoken to Mr. Kelley and he told me the situation. However, we did not locate Mr. Kelley's file. I reached out to Mr. Mayer's counsel (Desa Ballard and Harvey Watson) and they have told me that this file is closed. We have not yet received or inventoried Mr. Mayer's closed files. I did ask that they try to locate this file quickly as there was an appeal pending and because the attorney handling the appeal would like to review the file for the reasons you set out below. I sent him an authorization to release the file. When I receive that back from Mr. Kelley I will forward the file to Mr. Pachak.

Peyre T. Lumpkin
Receiver
Office of Commission Counsel
Columbia, SC
(803) 734-1186
(803) 734-0227

From: Brooks, Mary [<mailto:mbrooks@sccid.sc.gov>]
Sent: Thursday, September 27, 2018 3:09 PM
To: Lumpkin, Peyre T. <plumpkin@sccourts.org>
Subject: Lawrence Kelley

Mr. Lumpkin:

I received an email from Mr. Lawrence Kelley on September 26, 2018 stating that you were taking possession of Mr. Aaron Mayer's cases while he is on interim suspension. I subsequently saw the Court order appointing you as well.

Mr. Kelley's case is currently held in abeyance in the Court of Appeals. The client made us aware of two hearings dated September 19, 2017 and **November 13, 2017** of which we had no prior notice. As of yesterday, we have received the September 19, 2017 transcript.

On September 17, 2018, I received an email from Court Reporter Denise Lauder stating she did not cover anything in this case on **November 13, 2017**. In a subsequent email, she stated that she did in fact cover all of Judge Harrington's cases that day, **November 13, 2017**, and that no hearing was held in this case that day. In an email from Aaron Mayer dated August 15, 2018, he states that "There were several hearing dates that preceded Judge Harrington's Feb. 2018 ruling but the arguments were all made in briefs and she ruled on the briefs without argument". However, in the solicitor's Motion and Brief in Support of Placement on the Sex Offender Registry (see attached), page 3 references a hearing date for **November 13, 2017** in which Mr. Kelley produced a report by Dr. Randolph Waid.

Would you mind reviewing Mr. Kelley's file to see if it contains a notation about who was the court reporter who heard took the **November 13, 2017 hearing**? Any information you can provide us with is greatly appreciated, as we have to give the Court of Appeals a status update on this **November 13, 2017 hearing**. If you have any other questions, please feel free to me at (803) 734-1236.

Thank you,
Mary

Mary Brooks
Administrative Assistant
South Carolina Commission on Indigent Defense
Division of Appellate Defense
(803) 734-1330

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

ORIGINAL

September 28, 2018

RECEIVED  
SEP 28 2018  
SC Court of Appeals

The Honorable Jenny Kitchings  
Clerk of Court, South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: State of South Carolina v. Lawrence L. Kelley, Jr, Appellate Case No. 2018-000364


Dear Ms. Kitchings:

Please allow the following to serve as an update in the above referenced appeal. On August 30, 2018, this Court held Appellant's filing deadlines in abeyance pending receipt of transcripts. Following the retirement of Appellate Defender Robert Pachak, I have been assigned this matter.

On September 26, 2018 we received a copy of the September 19, 2017 transcript in this case. As of today's date, we have not received the transcript for the November 13, 2017 hearing. If our efforts to obtain a copy of this transcript, our office was informed by Court Reporter Denise Lauder that she did not have any record of this hearing.

An email was sent to Peyre Lumpkin on September 27, 2018 (see attached) as another effort to find out who the Court Reporter may have been. I am working diligently to get this transcript. I have spoken with the former clerk of Judge Kristi Harrington, reached out to the senior assistant solicitor in the Ninth Circuit and sent a letter to Court Administration. I hope to have more information shortly.

I will continue to update the Court every thirty days. If you have any questions, please feel free to contact me.

Sincerely,  
  
Taylor D. Gilham  
Appellate Defender

Enclosure  
cc: J. Benjamin Aplin  
Lawrence Kelley