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October 3, 2018

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

RECEIVED
OCT 03 2018
SC Court of Appeals

Re: State v. Marvin Donte Bryan | Appellate Case No. 2017-001468
State v. Justin Martel Wilson | Appellate Case No. 2017-001461

Dear Ms. Kitchings:

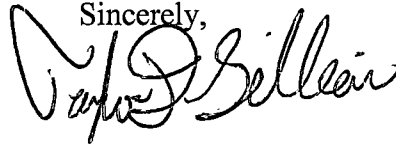
The parties are in receipt of a thirty-seven page transcript provided by Court Reporter Heather Landry to Desiree Allen at Court Administration, a copy of which has been enclosed with this correspondence. Upon review of this transcript, it is the position of the parties that we should proceed with the reconstruction.

The transcript in these matters consists of legal arguments and rulings by the trial court that took place during bench conferences outside the earshot of the jury. However, the word "unintelligible" appears roughly 162 times throughout the transcript. Many of the bench conferences, of which there are approximately thirty, are indecipherable based upon a lack of substantive text. The entirety of the audio for the very first bench conference was unintelligible. Additionally, it does not appear as if each of the bench conferences from the June 23 – 24, 2017 transcript was transcribed. There were approximately eleven bench conferences but only six seem to have been transcribed.

Appellants cannot be afforded meaningful appellate review based upon the incomplete nature of the transcript received. The undersigned contacted opposing counsel who agreed with and consented to reconstruction in these cases. Both parties agree there are omissions in the transcript and that a remand would allow the parties to utilize testimony from trial counsel, notes from the trial judge, and the newly received transcript to reconstruct the record of these bench conferences.

Accordingly, and in response to this Court's inquiry, we wish to proceed with consideration of the motion to reconstruct and request an order remanding the cases to the trial court for reconstruction.

Sincerely,

Handwritten signature of Taylor D. Gilliam in black ink.

Taylor D. Gilliam
Appellate Defender

Handwritten signature of Susan B. Hackett in black ink.

Susan B. Hackett
Appellate Defender

Enclosure

cc: Melody J. Brown, Esquire
Marvin Donte Bryan #372962
Justin Martel Wilson #372989