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January 15, 2019

RECEIVED  
JAN 15 2019  
SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk of the S.C. Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

Re: The State v. James Kester  
Appellate Case No. 2018-001852

Dear Ms. Kitchings:

The initial brief of appellant and designation of matter in the above case are due to be served and filed on February 25, 2019. No extensions have been requested. I was assigned this case late last week. While I was reviewing the file, I discovered our office requested, but did not receive the transcript of a pretrial hearing where Appellant Kester waived his right to counsel. We received conflicting information concerning the date, judge, and court reporter for this hearing and further investigation is required before we can obtain the transcript. A transcript request was sent to court reporter Steven LeBlanc, but he notified our office that he did not record this Faretta hearing.

The transcript of this pretrial hearing where Appellant waived his right to counsel is crucial to this appeal. It appears our December 27, 2018 letter requesting the Court to begin our time limits was inadvertently sent after we received a copy of the trial transcript. I respectfully request the Court hold the time limits for filing the initial brief of appellant and designation of matter in abeyance pending receipt of this pretrial transcript. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Lara M. Caudy  
Appellate Defender

LMC/sl

cc: J. Benjamin Aplin, Esquire