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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

June 25, 2019

RECEIVED
JUN 25 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: State of South Carolina v. Thomas Griffin
Appellate Case No. 2018-001975

Dear Ms. Kitchings:

I represent Appellant Thomas Griffin in the above-referenced appeal. The initial brief of appellant and designation of matter is due to be served and filed on July 17, 2019. However, in reading the transcript in preparation of writing my brief I have discovered that a pretrial hearing was held on August 7, 2018. See Attachment A. This office had no notice that a hearing was held on that date. I have today ordered this transcript. A copy of our transcript request is attached at Attachment B. I would ask that the Court place this case in abeyance until the missing transcript is provided. If the Court requires any additional information, please do not hesitate to contact me.

Sincerely,

Joanna K. Delany
Appellate Defender

JKD/cs

cc: Deborah Shupe, Esquire

Attachment A

1 were in this courtroom I think at the beginning of the summer.
2 Does that sound right to you when we asked Judge Seals to rule
3 on it.
4 MR. MORROW: It was around August the 7th.
5 MR. FALK: Okay.
6 MR. MORROW: Of this year, we had, we had a, a trial,
7 another of these trials in front of Judge Seals, and we, we
8 heard some motions then and Judge Seals ruled.
9 MR. FALK: Okay.
10 MR. MORROW: That he -- that -- that there was no right
11 to competency in these cases.
12 MR. FALK: I thought it made sense to talk to Judge Seals
13 because he was the chief admin for Common Pleas, and so it
14 sort of was maybe, but then the matter got a little bit more
15 complicated with the beginning of last week Judge McFaddin
16 said that he had ruled on my motion for an evaluation and
17 asked Mr. Morrow to write up the order. So I mean,
18 procedurally, I have a question as to where we stand. So
19 that's one issue, but let me -- should I now go into my --
20 THE COURT: Well, I mean, what was Judge McFaddin's
21 ruling?
22 MR. FALK: Judge McFaddin sent an email, which is my
23 Exhibit B. It was incorrect in that he said that the State's
24 motion for a competency evaluation. His email that he sent on
25 October 16th was, [as read], "Regarding the State's motion for

Attachment B

SCCID
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June 25, 2019

Ms. Kay H. Richardson
Circuit Court Reporter
P. O. Box 282
Aynor, SC 29511

Dear Ms. Richardson:

Please provide us with the following transcript:

In the Matter of the Care and Treatment of Thomas Griffin — Case #: 2016-CP-26-06412
Appellate Case No. 2018-001975
County: Horry — Date of Trial: August 7, 2018
Presiding Judge: William H. Seals

Pursuant to the SC Court Reporter's Manual, please number the lines on the paper from 1-25 and include any and all recorded motions (pretrial and post-trial). Consecutive numbering of pages must be used throughout all volumes regardless of the number of volumes involved. Additionally, please transcribe the **jury selection** and the State and defense counsel's **opening and closing arguments** and include the **jury strike sheet.** Please be sure to include **headers** and a **complete index** including a **listing of exhibits. Please, do not include keyword indexing.**

If you are aware of any co-defendants, additional transcripts, or if the Attorney General's Office has already requested a transcript, please let us know.

SCCID **prefers** that all transcripts are sent via **certified mail.** If you choose to send transcripts electronically, you must use the SC Department of Technology's file transfer service at **https://scfiledrop.sc.gov**. New users click the register button to sign up for the service. For assistance with registration or passwords, contact the SC Department of Technology Service Center at 803-896-0001, option 2.

To ensure prompt payment, please sign and complete the enclosed form and include the original criminal case number (indictment number) where the space is provided.

Sincerely,

Claire Sumaydeng-Bryan
Administrative Assistant

cc: S. C. Court of Appeals
Attorney General's Office
S. C. Court Administration