

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
DeAndrea Gist Benjamin, Circuit Court Judge

RECEIVED
FEB 22 2013

Case No. 2010-CP-40-5214

SC Court of Appeals

Demetrius Mack, Respondent,

v.

Leon Lott, in his Official Capacity
as Sheriff of Richland County, Appellant.

AFFIDAVIT OF
ANDREW F. LINDEMANN

RECEIVED
FEB 22 2013
SC Court of Appeals

PERSONALLY APPEARED BEFORE ME, ANDREW F. LINDEMANN,
who first being duly sworn deposes and states as follows:

1. I am counsel of record for the Appellant Leon Lott, in his official capacity as Sheriff of Richland County.

2. On February 11, 2013, I received a letter dated February 7, 2013 from the Clerk of the Court of Appeals advising that the Court's records indicated that the trial transcript was received from the court reporter on January 3, 2013. That letter also provided fifteen days for the Appellant to file his Initial Brief and a motion to file the brief out of time. The Court's information on the receipt date of the trial transcript did not come from me.


3. Upon receipt of that letter, I confirmed that neither myself nor anyone in my office had received the trial transcript from the court reporter, Deborah McCurdy. I re-checked incoming emails and regular mail receipts, and I determined that I had not received the transcript.

4. On February 14, 2013, I contacted Ms. McCurdy by email to inquire when the transcript was sent and the means by which it was sent. I also requested an additional copy of the transcript. (See attached email).

5. On February 14, 2013, I received a reply email from Ms. McCurdy. She sent me a copy of an email that she had sent on January 5, 2013 forwarding the transcript. (See attached email). I again confirmed that the January 5th email had not been received by me. I have no definite explanation for why that email was not received; however, the size of the attachment to the email may be a possible explanation.

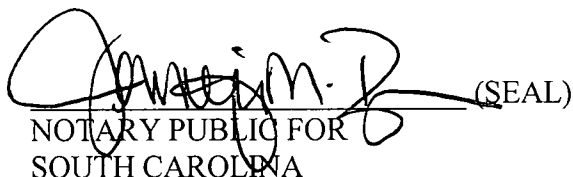
6. The trial transcript has now been received by me. As indicated, it was received on February 14, 2013, and as a result, I am asking that the briefing deadline for the Appellant's Initial Brief be re-set for Monday, March 18, 2013 (which is thirty days after my receipt of the trial transcript) per Rule 208(a)(1), SCACR.

FURTHER AFFIANT SAYETH NOT.



ANDREW F. LINDEMANN

SWORN TO BEFORE ME THIS 22nd
DAY OF FEBRUARY 2013



(SEAL)
NOTARY PUBLIC FOR
SOUTH CAROLINA

COMMISSION EXPIRES: 01-13-2020

Andrew Lindemann

From: Andrew Lindemann
Sent: Thursday, February 14, 2013 6:19 PM
To: McCurdy, Deborah M.
Cc: 'nlourie@lourielawfirm.com'
Subject: Mack vs. Richland County Case Tracking Number 2012-212277

Deborah:

I received a letter from the Court of Appeals informing me that their records reflect that the trial transcript in the above case was delivered on January 3, 2013. I have no record of having received the transcript. I have double-checked emails and regular mail, as well as checked with my paralegal and Robby Garfield who tried the case, and no one has received that transcript.

Can you please check to see if the transcript went out. Otherwise, could you please email me or send me another copy. Please be sure to send me an invoice to so that I can insure you get paid.

Thanks.

Andrew Lindemann