

# J. FALKNER WILKES

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February 28, 2013

Hon. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211  
via facsimile also to: (803) 734-1839

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MAR 04 2013

SC Court of Appeals

Re: State of South Carolina, Respondent v. Andrew T. Looper, Appellant  
Case No.: 2011-CP-23-03563

Dear Ms. Kitchings,

The Court reporter was not able to locate or produce a transcript for this case per my first request. I followed up with a second letter to the court reporter with more information. Apparently no transcript can be located from the circuit court hearing. This case originated from a trial in the magistrate's court, and we do have a transcription of that proceeding. Rather than wait any longer I simply proceeded to file my initial brief based on the assumption that no record from the circuit court will be located.

I have just spoken with opposing counsel Jennifer Roberts. Neither Jennifer nor I show where there has been a response to my last request for the transcript. At this point I can only assume that means there simply isn't one to be had. Still, Jennifer Roberts has indicated her desire to contact the court reporter one more time before proceeding. Each of us certainly would like to have a transcript of the circuit court hearing if one exists.

I would therefore request that the Initial Brief of the Appellant and designation of matter be accepted as filed but would request that the time be stayed briefly to allow Jennifer Roberts an opportunity to speak with the court reporter to make absolutely sure no transcript is available from the circuit court hearing prior to proceeding.

Respectfully submitted,



J. Falkner Wilkes (SC Bar #12893)

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c.

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