



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

March 11, 2013

Ms. Linda D. Moffitt  
Circuit Court Reporter  
800 Belcher Road  
Spartanburg, SC 29316

Dear Ms. Moffitt:

Please provide us with the following transcript:

The State v. James Irby, Appellate Case No.            Case #:            08-GS-42-1536  
2012-213028

County: Spartanburg                            Date of Trial: June 29, 2011 (Pre-Trial Motion Hearing)

Presiding Judge: J. Derham Cole

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

Please number the lines on the paper from 1-25, and include any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments.

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

Sincerely,

Kimberly McCall  
Legal Assistant

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

ORIGINAL



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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March 11, 2013

RECEIVED  
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SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: State v. James Irby  
Appellate Case No. 2012-213028

Dear Ms.Kitchings:

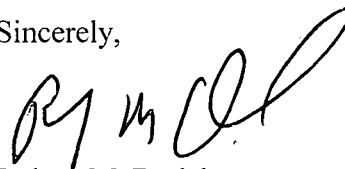
The initial brief of appellant and designation of matter in the above-captioned case is due to be served and filed on March 20, 2013. However, we have discovered that we need an additional transcript. On Friday, March 8, 2013, the client, Mr. Irby telephoned our office and informed us that we did not send him a copy of the transcript from his pre-trial motion hearing, and a family court hearing. We were not provided any previous notice of this motion hearing, and family court hearing until the client's phone call on Friday.

I spoke with trial counsel this morning and he verified that there was a Jackson v. Denno and other pre-trial motions hearing held on June 29, 2011 before Judge Cole in Spartanburg County. However, the family court hearing was apparently a DSS removal hearing, and it was not used for impeachment or any other purpose during the pro-trial motions hearing or the trial. Regardless, counsel has a copy of the family court transcript that he will provide me.

As for the June 29, 2011 pre-trial motions transcript, I have requested this transcript today from the court reporter. I am requesting that this Court hold the time limits for filing the initial brief of appellant and designation of matter on appeal pending receipt of this pre-trial transcript. A copy of our transcript request to the court reporter is attached. If you have any questions or need additional information, please do not hesitate to contact me.

The Honorable Jenny Abbott Kitchings  
March 11, 2013  
Page two

Sincerely,

A handwritten signature in black ink, appearing to read 'R M Dudek', written in a cursive style.

Robert M. Dudek  
Chief Appellate Defender

RMD/kam

cc: Salley W. Elliott