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SC Court of Appeals



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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

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

March 22, 2021

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: State v. James Ginther  
Appellate Case No: 2019-000672

Dear Ms. Kitchings:

This is an eighth update on the status of the reconstruction hearing ordered by this Court on June 4, 2020. After reviewing notes provided by both the State and trial counsel, I proposed trying to reach a stipulation as to the missing testimony that would avoid the need for a reconstruction hearing. I have now completed a draft of a proposed stipulation as to the content of the missing testimony. Trial counsel reviewed the proposed stipulation and agrees that it accurately reflects the missing testimony. I sent a copy of the proposed stipulation to the Appellant, Mr. Ginther, on March 16, 2021, and I am waiting for a response from him. As soon as I receive a response from my client, I will send a draft to opposing counsel for her review and hopeful approval. If both sides can reach an agreement as to the stipulation, I will send a draft to the trial judge for his approval. If the trial judge approves the stipulation, I will ask this Court to accept the stipulation so that the direct appeal can proceed without the need for a reconstruction hearing. I sincerely hope and believe that we are close to resolving this matter. I respectfully request an additional 30 days for review by my client, opposing counsel and the trial judge. If you need any further information, please do not hesitate to contact me.

Sincerely,

s/ Kathrine H. Hudgins  
Kathrine H. Hudgins  
Appellate Defender

cc: Senior Assistant Deputy Attorney General Melody Brown

KHH/cws