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SC Court of Appeals



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April 21, 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 update on the status of the reconstruction hearing ordered by this Court on June 4, 2020. In my last update letter to the Court dated March 22, 2021, I advised that I had completed a draft of a proposed stipulation as to the content of the missing testimony to be submitted instead of conducting a reconstruction hearing. Trial counsel reviewed the proposed stipulation and agreed that it accurately reflected the missing testimony. I sent a copy of the proposed stipulation to the Appellant, Mr. Ginther, on March 16, 2021. On April 2, 2021, I was finally able to speak with my client by phone and he wanted me to investigate a few additional factors to possibly be included in the stipulation. I am in the process of investigating those factors now and hope to have that completed within the next thirty days. Once that is complete, I will send a revised version to my client. 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 respectfully request an additional 30 days to investigate these other possible factors. 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