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December 21, 2021

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S.C. SUPREME COURT

The Honorable Patricia A. Howard
Clerk of the S.C. Supreme Court
P.O. Box 11330
Columbia, S.C. 29211

Re: Terry McCall v. The State
Appellate Case No. 2021-000385

Dear Ms. Howard:

The petition for writ of certiorari in the above case is due to be served and filed on December 22, 2021. However, after having read the entire record in this case, I have concluded I am missing part of the PCR evidentiary hearing and must respectfully request that the case be held in abeyance for the reasons which follow.

According to the order of dismissal, and confirmed by the parties, the evidentiary hearing in this case spanned two days, January 5-6, 2021. On May 18, 2021, this office requested the transcript from the listed court reporter, Sharon Hardoon, and specified the dates of the hearing as January 5-6, 2021. On July 23, 2021, this office received what we believed to be the entire transcript from Ms. Hardoon. Unfortunately, I have since discovered that only January 5, 2021, was transcribed and that the testimony of Sara Drawdy, the solicitor who prosecuted the case, is missing.


Upon discovering the missing transcript from the second day of the PCR hearing, this office contacted Ms. Hardoon who originally stated that the hearing in this matter was concluded on January 5, 2021. We provided Ms. Hardoon with the final pages of the transcript from January 5, 2021, which specifically referenced reconvening the following day to finish the hearing and asked that she recheck her records. Ms. Hardoon then stated that she was not the court reporter for any hearing on January 6, 2021.

This office next contacted Court Administration to find out which court reporter was assigned to Judge Sprouse on January 6, 2021. According to Court Administration the assigned court reporter was Ms. Hardoon. This office also contacted Judge Sprouse's judicial assistant, who confirmed that Judge Sprouse heard PCR matters on January 6, 2021, and to their knowledge Ms. Hardoon was the court reporter for those hearings. Additionally, this office contacted Taylor Z. Smith, the assistant Attorney General who handled the PCR hearing, and he had no recollection of the court reporter changing nor any indication that the hearing went forward without a court reporter.

At present, we are still working to locate the transcript from January 6, 2021 and would request that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending its receipt. A copy of our original transcript request is attached as Exhibit A and select pages from the appendix that reference January 6, 2021 hearing and testimony of Ms. Drawdy are attached as Exhibit B.

I have discussed this matter with opposing counsel Taylor Smith, and he graciously consents to this abeyance request. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,



Jessica M. Saxon
Appellate Defender

JMS/kpw

cc: Taylor Z. Smith, Esq.