

RECEIVED

Jan 24 2022

SC Court of Appeals



SCCID

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

January 24, 2022

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. On August 23, 2021, I sent a proposed stipulation in regard to the content of the missing testimony to hopefully be submitted instead of conducting a reconstruction hearing to Senior Assistant Deputy Attorney General Melody Brown, opposing counsel. On September 17, 2021, I received some requested revisions from opposing counsel. I reviewed the requested revisions and on November 2, 2021, wrote a letter to my client with regard to the requested revisions. I received correspondence from my client on December 17, 2021. Today I reviewed the correspondence from my client, reviewed the proposed stipulation and requested revisions and communicated with opposing counsel about the requested revisions. I hope that we can reach an agreement soon and feel like we are very close.

If both sides can agree to a proposed 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 try and reach an agreement. 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