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RECEIVED

May 09 2022

SC Court of Appeals

May 9, 2022

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: The State v. Dae'Kwon J. Simmons
Appellate Case No. 2021-000802

Dear Ms. Kitchings:

On November 23, 2021, a motion was filed with this Court requesting that this case be held in abeyance pending receipt of the transcript of the April 12-13, 2021 jury voir dire and jury selection transcript. This Court then held this case in abeyance.

On April 26, 2022, our office received the transcript from April 12-13, 2021¹, which contains the jury *voir dire* and jury selection. In addition, we have confirmed that the several month break in the trial transcript between the jury verdict on April 14, 2021, and the July 13, 2021 sentencing hearing is correct and that nothing additional is missing. The sentencing hearing was held months later on July 13, 2021 pursuant to Aiken v. Byars, 434 S.C. 534, 765 S.E.2d 572 (2014) since appellant was a juvenile, and the imposition of a life sentence for murder was possible.

Since we have received the full trial transcript, I respectfully request that this case be taken out of abeyance.

By our calculations, resetting the time limit to file the initial brief of appellant and designation of matter thirty (30) days from April 26, 2022, gives us a filing deadline of May 26, 2022. If this is not accurate, please contact me at your earliest convenience. Thank you for your time and attention to this matter.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

cc: Melody J. Brown, Esquire
Dae'Kwon J. Simmons

¹ The transcript received was mistakenly dated April 12-13, 2013.