

**RECEIVED**  
**Oct 14 2022**  
**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Barnwell County

Walton J. McLeod, IV, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

REBECCA A. MAXWELL,

APPELLANT

APPELLATE CASE NO. 2022-000474

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**PETITION FOR ORDER  
TO UNSEAL PRE-TRIAL EX-PARTE HEARING  
TO RELIEVE TRIAL COUNSEL**

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Pursuant to Rule 240, SCACR, appellate counsel for the above named appellant would petition this Court for an Order to unseal a pre-trial ex-parte hearing to relieve counsel so that the hearing can be transcribed by the court reporter for the purpose of perfecting the direct appeal in the case. In support of this petition, counsel would submit the following information below.

1. Appellant Rebecca Ann Maxwell was convicted of first-degree burglary per jury trial held during the March, 2022 term of the Barnwell County General Sessions Court before Judge Walton J. McLeod, IV. Appellant was sentenced on April 17, 2022, at the Barnwell County General Sessions Court by Judge McLeod to imprisonment for a period of seventeen years. A timely Notice of Appeal was filed in the case. Presently, the appeal is pending with this Court.

2. However, on August 19, 2022, a request was submitted to hold the appeal in abeyance because the trial record had not been fully transcribed in the case. More specifically, appellate counsel's review of the case file revealed that the trial transcript was incomplete upon the discovery of the existence of a pre-trial ex parte hearing that was held to relieve trial counsel as attorney for appellant that was a sealed hearing.

3. Prior to trial, defense counsel informed the trial judge of appellant's motion to relieve him (defense counsel) as her attorney in the case. The colloquy in the matter follows:

The Court: Mr. Johnson, your client has made—she wants to represent herself?

Defense Counsel: She would like a motion to have me relieved. And I don't know if she's requesting to represent herself or have new counsel. But she wanted to have an involved conversation with you involving some details. I told her she would have to make her motion and that's what she's doing.

The Court: That door is shut, right?

Investigator Gunnells: Yes, Sir. (sealed ex parte hearing was held with the Court and the Defendant and Defendant's counsel.) Tr. 14, l. 20 – p. 15, l. 6.

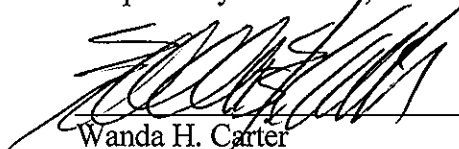
4. After the pre-trial sealed ex parte hearing concluded, defense counsel continued on in his representation of appellant at trial. Nonetheless, in order to fully perfect and evaluate appellant's case on direct appeal per Rules 208 and 209, SCACR, a transcript of the sealed ex parte hearing is needed to discern whether any legal issue(s) of merit emanating from that hearing should be addressed in appellant's briefs filed on appeal.

5. A letter to the court reporter requesting a transcript of the sealed ex parte hearing was submitted on August 4, 2022. The response from the court reporter was that "the judge would have to unseal the sealed portion before I could produce that part of the transcript".

6. Therefore, an Order is needed from this Court directing the sealed ex parte hearing to be unsealed, which would in turn allow the court reporter to comply with the request for a transcript of the hearing.

7. WHEREFORE, appellate counsel would request that this Court issue an Order from this Court to unseal the ex parte hearing in the case to direct the court reporter to transcribe the same for the purpose of perfecting the direct appeal in the case.

Respectfully submitted,



A handwritten signature in black ink, appearing to read 'Wanda H. Carter', is written over a horizontal line. The signature is stylized and somewhat cursive.

Wanda H. Carter  
Deputy Chief Appellate Defender

October 14, 2022

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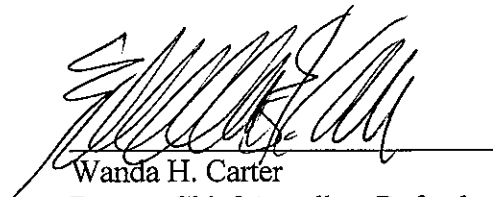
APPELLANT

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CERTIFICATE OF SERVICE

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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Petition for Order to unseal pre-trial Ex-Parte hearing in the above-referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 14<sup>th</sup> day of October, 2022.



Wanda H. Carter  
Deputy Chief Appellate Defender  
ATTORNEY FOR APPELLANT

**From:** [Leverett, Scott](#)  
**To:** [SC - BLITCH WILLIAM](#)  
**Cc:** [SC - COLLINS CAROLINE](#); [Carter, Wanda](#)  
**Subject:** Rebecca Maxwell - Petition to unseal Pre-Trial Ex parte Hearing - Appellate Case No. 2022-000474  
**Date:** Friday, October 14, 2022 4:18:00 PM  
**Attachments:** [Rebecca Maxwell - Petition to unseal Pre-Trial Ex parte Hearing - Appellate Case No. 2022-000474.pdf](#)

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Dear Mr. Blitch,

Attached please find the petition to unseal the Pre-Trial Ex-Parte Hearing in the above referenced case that is being filed today, October 14, 2022.

-Scott Leverett  
Admin. Asst. for Wanda Carter  
Appellate Defense