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Dec 05 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANDRES F. POSSO,

APPELLANT

APPELLATE CASE NO. 2022-001396

MOTION TO REINSTATE APPEAL

The undersigned counsel petitions the Court to reinstate the direct appeal of Andres F. Posso. In support in this petition, counsel would respectfully show the Court that:

1. The notice of intent to appeal in this guilty plea case was filed on October 3, 2022. A deficiency letter was sent to plea counsel Jason Chehoski on October 7, 2022 because the challenged orders were not attached to the notice of intent to appeal. Upon information and belief, at some point this deficiency was cured by Mr. Chehoski.
2. The guilty plea transcript in this case was then requested from the court reporter Steven LeBanc by Della White, the Administrative Coordinator for this office, on November 9, 2022 as evidenced by the attached Exhibit A.

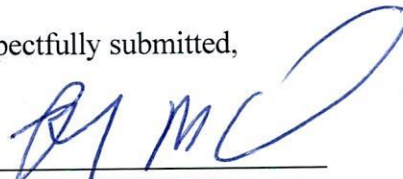
3. Steven LeBlanc confirmed receipt of the transcript request the following day on November 10, 2022 as evidenced by the attached Exhibit B. Although Mr. LeBlanc copied the Office of South Carolina Court Administration he did not copy this Court with this confirmation.

4. On December 2, 2022, this Court dismissed the guilty plea appeal in this case due to the apparent failure of this office to order the transcript.

5. Based on the foregoing, counsel would respectfully requests that this Court issue an order reinstating appellant's direct appeal since the transcript of the guilty plea was ordered on November 9, 2022, and that order would allow this direct appeal to proceed.

WHEREFORE, undersigned counsel respectfully requests that this Court reinstate the direct appeal of Appellant Andres F. Posso.

Respectfully submitted,



ROBERT M. DUDEK
Chief Appellate Defender

This 5th day of December, 2022.

Exhibit A



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) 734-1345

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

November 09, 2022

Mr. Steven E. LeBlanc
Circuit Court Reporter
P. O. Box 184
Lexington, SC 29071

Dear Mr. LeBlanc:

Please provide us with the following transcript:

The State v. Andres F. Posso
Appellate Case No. 2022-001396
County: Kershaw
Presiding Judge: Walton J. McLeod, IV

Case #: 2020-GS-32-01240, 01168

Date of Trial: May 12, 2022

Pursuant to the SC Court Reporter's Manual, please number the lines on the paper from 1-25 and include any and all recorded motions (pretrial and post-trial). Consecutive numbering of pages must be used throughout all volumes regardless of the number of volumes involved. Additionally, please transcribe the **jury selection** and the State and defense counsel's **opening and closing arguments** and include the **jury strike sheet**. Please be sure to include **headers** and a **complete index** including a **listing of exhibits**. **Please, do not include keyword indexing.**

If you are aware of any co-defendants, additional transcripts, or if the Attorney General's Office has already requested a transcript, please let us know.

SCCID **prefers** that all transcripts are sent via **certified mail**. If you choose to send transcripts electronically, you must use the SC Department of Technology's file transfer service at <https://scfiledrop.sc.gov>. New users click the register button to sign up for the service. For assistance with registration or passwords, contact the SC Department of Technology Service Center at 803-896-0001, option 2.

To ensure prompt payment, please sign and complete the enclosed form and include the original criminal case number (indictment number) where the space is provided.

Sincerely,

s/Della White
Administrative Coordinator

cc: S. C. Court of Appeals
Attorney General's Office
S. C. Court Administration



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

COURT REPORTERS' REQUEST FOR PAYMENT FOR TRANSCRIPT IN CRIMINAL INDIGENCY CASE

TO: SC COMMISSION ON INDIGENT DEFENSE PO BOX 11589 COLUMBIA, SC 29211-1589	SIGNATURE OF APPROVING OFFICIAL AT APPELLATE DEFENSE:
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FORWARD THIS SIGNED AND COMPLETED FORM ALONG WITH THE REQUESTED TRANSCRIPT TO THE SC COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION. THE SC COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION WILL APPROVE THIS REQUEST FOR PAYMENT AND FORWARD THE REQUEST TO THE S.C. COMMISSION ON INDIGENT DEFENSE FOR PAYMENT. ALL QUESTIONS REGARDING PAYMENT SHOULD BE MADE TO THE S.C. COMMISSION ON INDIGENT DEFENSE P.O. BOX 11433, COLUMBIA, SC 29211-1433, PHONE: (803) 734-1343, E-Mail: executive@sccid.sc.gov.

CASE NAME:	CRIMINAL CASE (INDICTMENT) NO.(s):
DATE TRANSCRIPT REQUESTED BY APPELLATE DEFENSE:	DATE TRANSCRIPT PROVIDED TO APPELLATE DEFENSE:

PLEASE NOTE THAT THE DEFENSE OF INDIGENTS FUND WILL REIMBURSE THE REQUESTING PARTY FOR EITHER THE ORIGINAL TRANSCRIPT OR ONE COPY, BUT NOT FOR BOTH. PLEASE DO NOT INCLUDE KEYWORD INDEXING.

RULE 607 (H)(1), SCACR, PROVIDES THAT IN ALL CRIMINAL INDIGENCY CASES, INCLUDING POST-CONVICTION AND SEXUAL VIOLENT PREDATOR PROCEEDINGS, THE FEE FOR THE ORIGINAL TRANSCRIPT IS FOUR DOLLARS AND TWENTY-FIVE CENTS (\$4.25) PER PAGE AND THE FEE FOR A COPY OF THE TRANSCRIPT IS ONE DOLLAR (\$1.00) PER PAGE.

PURSUANT TO THE REQUEST OF THE S.C. COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION, THE TRANSCRIPT IN THE ABOVE MATTER WAS PROVIDED TO THAT OFFICE. REIMBURSEMENT IN THE FOLLOWING AMOUNT IS HEREBY REQUESTED:

ORIGINAL TRANSCRIPT OF _____ PAGES: \$ _____

COPY OF ORIGINAL TRANSCRIPT OF _____ PAGES: \$ _____

OTHER (Please specify): _____: \$ _____

TOTAL PAYMENT REQUESTED: \$

PRINTED OR TYPED NAME OF COURT REPORTER:	SIGNATURE OF COURT REPORTER:	
ADDRESS:	A SC VENDOR IDENTIFICATION NUMBER, WHICH IS ISSUED BY THE SC COMPTROLLER GENERAL'S OFFICE, AND IS NEITHER A FEDERAL EMPLOYER IDENTIFICATION NUMBER NOR AN INDIVIDUAL SOCIAL SECURITY NUMBER, IS REQUIRED FOR PAYMENT PROCESSING. (SCCID DOES NOT REQUIRE A FEI OR SSN)	
PHONE NUMBER:	IF YOU DO NOT HAVE A SC VENDOR ID NUMBER, APPLY HERE: https://webprod.cio.sc.gov/SCVendorWeb/mainNewFrame.do	
EMAIL ADDRESS:	NOTE: ONCE YOU APPLY FOR A SC VENDOR ID, THE SC COMPTROLLER GENERAL'S OFFICE REQUIRES A 72-HOUR WAITING PERIOD TO VERIFY YOUR ID NUMBER. ADDITIONAL LINKS AND INFORMATION MAY BE FOUND AT: http://sccid.sc.gov/register.cfm	
SCCID USE ONLY:	VENDOR ID NUMBER:	
	SCCID FILE NUMBER:	DOCUMENT NUMBER:

Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at transcripts@sccourts.org. Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to **any** party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name Della White	Phone Number 803-734-1330	Email Address dwhite@sccid.sc.gov	
Mailing Address 1330 Lady Street, Suite 401	City Columbia	State SC	Zip Code 29201
Transcript Information			
Docket Number	Case Caption (i.e. State v. John Doe or Smith v. Smith) The State v. Andres F. Posso		
Date(s) of Proceeding May 12, 2022	Circuit X Family	County Kershaw	
Presiding Judge Walton J. McLeod, IV	Expedited Yes No X		
Court Reporter(s) Mr. Steven E. LeBlanc	Opposing Counsel		

Requestor's Signature: Della White
(Typed name will serve as signature)

Date: 11/09/2022

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name _____	Date Received _____	Email Address _____	
Notice of Estimate to Requestor Party Date: _____ Number of Pages: _____ Estimated Amount _____			
Mailing Address for Payment _____	City _____	State _____	Zip Code _____

Exhibit B

Steven E. LeBlanc, R.P.R.
Circuit Court Reporter
Eleventh Judicial Circuit
P.O. Box 184
Lexington, South Carolina 29071
sleblanc@scccourts.org

November 10, 2022

SCCID
Division of Appellate Defense
State of South Carolina
1330 Lady Street, Suite 401
Post Office Box 11589
Columbia, South Carolina 29211-1589
ATTN: Della White
dwhite@sccid.sc.gov

In Re: State of South Carolina vs. Andres F. Posso
Obtaining transcript.

Dear Ms. White:

In reply to your email dated November 9th, 2022, pertaining to your transcript request, In Re: The State of South Carolina vs. Andres F. Posso, case number 2020GS32-01168, a guilty plea hearing held via Webex before the Honorable Judge Walton J. McLeod, IV, on May 12th, 2022 at the Kershaw County Courthouse, Camden, South Carolina.

I am estimating the transcript will be 30 pages in length. I am anticipating delivery of the transcript in sixty (60) days, by January 10th, 2023. I am given sixty (60) days in which to prepare the record. Extensions of time may be granted if necessary. Court reporters are not required by State or Federal law to provide free transcripts.

Sincerely,
By:s/Steve LeBlanc

cc: South Carolina Court Administration

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SC Court of Appeals

STATE OF SOUTH CAROLINA
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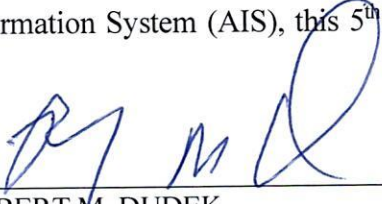
ANDRES F. POSSO,

APPELLANT

APPELLATE CASE NO. 2022-001396

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion to Reinstate the Appeal in the above referenced case has been served upon William M. Blicht, Jr., Esquire, at his primary email address listed in the Attorney Information System (AIS), this 5th day of December, 2022.



ROBERT M. DUDEK
Chief Appellate Defender

ATTORNEY FOR APPELLANT