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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Clifton Newman, Circuit Court Judge

STATE OF SOUTH CAROLINA,

APPELLANT,

V.

DELRICO EDMONDS,

RESPONDENT

APPELLATE CASE NO. 2022-001716

REPLY TO APPELLANT'S RESPONSE TO
RESPONDENT'S MOTION TO DISMISS APPEAL

Pursuant to Rule 240(f), SCACR, Respondent respectfully submits this reply to Appellant's response to Respondent's motion to dismiss the appeal. Respondent reiterates his request that this Court dismiss the appeal as Appellant has failed to comply with the South Carolina Appellate Court Rules.

As explained in the motion to dismiss the appeal, the Honorable Clifton Newman issued an order granting Respondent a new trial on November 22, 2022. Appellant filed and served its notice of appeal on December 2, 2022. Thereafter, Respondent filed a motion to dismiss due to Appellant's failure to comply with Rule 207(a)(1), SCACR. In its response to the motion to dismiss, Appellant claims it ordered the necessary transcript from the court reporter on November 28, 2022. However, Appellant admits it failed to comply with Rule 207(a)(1),

SCACR, by neglecting to furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter. Appellant described this failing as “an inadvertent omission.”

Although Appellant may have inadvertently failed to comply with Rule 207(a)(1), SCACR regarding its obligations to furnish copies to all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter, Appellant has not explained its failure to comply with the requirement that the “appellant *must* order a transcript of the *entire* proceedings below” “[u]nless the parties otherwise agree in writing.” Rule 207(a)(1), SCACR (emphasis added). According to the documentation recently provided, Appellant only ordered “the transcript from the trial of State v. Delrico Edmonds heard by [the Honorable] Clifton Newman during the week of March 14, 2022.” Appellant has failed to order a transcript of the *entire* proceedings below as required.

As mentioned in the motion to dismiss, on March 25, 2022, Respondent, through his counsel, filed a motion for new trial pursuant to Rule 29(a), SCRCrimP. According to the order granting a new trial, *Judge Newman heard argument on the motion on July 18, 2022*. Specifically, Judge Newman stated, “Arguments were entertained by the Court on July 18th.” Based on the language used in the order, it is undersigned counsel’s belief that Judge Newman heard argument on the motion on the record; thus, a transcript would be available. Furthermore, in light of the appeal concerning Judge Newman’s granting of a new trial, the transcript regarding the hearing on the motion for new trial is necessary for the appeal. In fact, it is probably the transcript that is most important to the appeal. Due to Appellant’s failure to order a transcript of the entire proceedings below, Respondent asks this Court to dismiss the state’s appeal.

WHEREFORE, Respondent respectfully requests that this Court dismiss the state's appeal.

Respectfully submitted,



SUSAN B. HACKETT
Appellate Defender

ATTORNEY FOR RESPONDENT

This 2nd day of February, 2023.

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CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Respondent's motion to dismiss appeal in the above-referenced case has been served upon Christopher Dale Scott, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), which is Scott.Dale@richlandcountysc.gov, this 2nd day of February, 2023.



Susan B. Hackett
Appellate Defender

ATTORNEY FOR RESPONDENT

From: [Stock, Chris](#)
To: [DALE SCOTT](#)
Cc: [Hackett, Susan](#); [SC - BROWN MELODY](#)
Subject: Edmonds, Delrico - Reply to Response to Motion to Dismiss - 2022-001716
Date: Thursday, February 2, 2023 1:03:00 PM
Attachments: [Edmonds, Delrico - Reply to Response to Motion to Dismiss - 2022-001716.pdf](#)
[Edmonds, Delrico - Reply to Response to Motion to Dismiss - 2022-001716 - Cover Letter to Solicitor.pdf](#)

Mr. Scott,

Please find attached for service the reply to response to motion to dismiss for Delrico Edmonds' appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock
Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330