

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Barnwell County

Walton J. McLeod, IV, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

V.

REBECCA A. MAXWELL,

APPELLANT

APPELLATE CASE NO. 2022-000474  
\_\_\_\_\_

**PETITION FOR ADDITIONAL ORDER  
TO UNSEAL A FINAL EX-PARTE HEARING  
TO RELIEVE TRIAL COUNSEL**  
\_\_\_\_\_

Pursuant to Rule 240, SCACR, the undersigned counsel for the above-named appellant would petition this Court for an order to unseal **another ex-parte hearing that was held on the final day of a three day trial, March 30, 2022**, to relieve trial counsel, Ola Johnson, in the above-captioned case to allow the court reporter to transcribe this additional ex parte hearing of which undersigned counsel was not aware. Counsel also needs this Court to hold this case in abeyance pending receipt of a missing pre-trial transcript that was held on November 13th or 14th 2021. Our office had no notice of the existence of either of these transcripts prior to ordering the original transcripts in this case.

In support of this petition, counsel would submit the following information:

1. On October 14, 2022, undersigned counsel requested an order from this Court to unseal a **pre-trial ex-parte** hearing on a motion to relieve trial counsel. On November 14, 2022, this Court issued an order to unseal the **pre-trial ex-parte** hearing to relieve counsel. Ultimately, however, undersigned counsel discovered that on the last day of the three-day trial, March 30, 2022 **another ex-parte hearing was held** to relieve trial counsel. Trial counsel Johnson has advised the undersigned counsel that the substance of the **additional ex-parte hearing** on the last day of the three-day trial was similar in content to the substance of the **pre-trial ex-parte hearing** to relieve counsel.

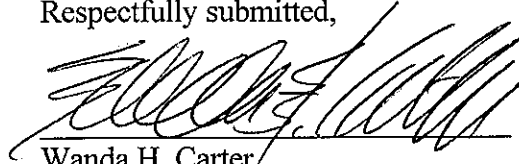
2. The undersigned counsel has prepared her Initial Brief of Appellant in this case which is due on March 27, 2023 (**only one prior extension has been requested and granted**); but counsel needs to receive and read this **additional ex parte motion to relieve counsel, as well as the missing pre-trial transcript of November 13 or 14, 2021** to insure it does not alter her initial brief of appellant in any manner whatsoever.

3. Counsel will request that the court reporter expediate **this additional ex parte hearing** which was held on the final day of the three day trial as soon as this Court issues its order to unseal this additional ex parte hearing so that the filing of undersigned counsel's initial brief and designation will be delayed for the shortest time possible. In addition, counsel needs to hold this case in abeyance pending receipt of the November 13<sup>th</sup> or 14<sup>th</sup>, 2021 pre-trial transcript. A copy of the letter ordering that pre-trial transcript on an expedited basis is attached.

WHEREFORE, the undersigned counsel would request that this Court hold this case in abeyance. In addition, counsel requests an order to unseal **this additional ex-parte hearing to relieve counsel** which was held on the last day of the three-day trial, March 30, 2022, so that

counsel can order the expediated transcript of that hearing. Counsel will order both transcripts on an expedited basis as stated above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wanda H. Carter', written over a horizontal line.

Wanda H. Carter  
Deputy Chief Appellate Defender

March 22, 2023

**RECEIVED**

**Mar 22 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

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STATE OF SOUTH CAROLINA

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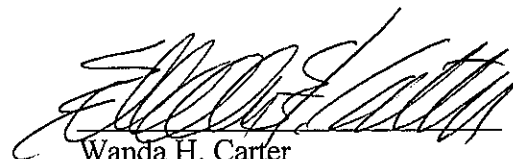
APPELLANT

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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 22nd day of March, 2023.



Wanda H. Carter  
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT