

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Certiorari to Lexington County

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

**RECEIVED**

**May 19 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA,

PETITIONER,

V.

MATHIA LAMONT CHAMBERS,

RESPONDENT.

Appellate Case No. 2022-000689  
\_\_\_\_\_

PETITION FOR ORDER  
TO RECONSTRUCT  
GUILTY PLEA RECORD  
\_\_\_\_\_

Pursuant to Rule 240, SCACR, the undersigned counsel would request an Order for leave to reconstruct the guilty plea record in the above titled appeal where the recorded tape of the guilty plea proceeding has not been located, and where this Court held in China v. Parrott<sup>1</sup> and Whitehead v. State<sup>2</sup>, that a remand to reconstruct the record is permitted when a court reporter's tapes of a proceeding are lost, destroyed, or unavailable in order to provide for meaningful review of a case on appeal. In support of this petition, counsel would present the following information.

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<sup>1</sup> 251 S.C. 329, 162 S.E.2d 276 (1968).

<sup>2</sup> 352 S.C. 215, 574 S.E.2d 200 (2002).

1.) Appellant Mathia Lamont Chambers pled guilty to voluntary manslaughter on March 16, 2022, and was sentenced to thirty years imprisonment on April 8, 2022. Both proceedings were held at the Lexington County General Sessions Court before Judge Walton J. McCleod, Junior, who accepted the plea, sentenced appellant, and denied appellant's subsequent sentencing reconsideration motion by Orders dated May 11, 2022, and May 17, 2022. Trial counsel, Ola A. Johnson, filed a notice of appeal in the case on May 18, 2022. The brief of appellant and designation of matter to be included in the record on appeal were due to be served with this Court on September 30, 2022.

2.) Initially, two transcripts were received in the case: 1.) a transcript of a motion hearing dated March 16, 2022, and 2.) a sentencing hearing transcript dated April 8, 2022. However, a review of the March 16, 2022 motion hearing transcript received contained the motion hearing colloquy and sealed ex parte references, but **it did not** contain the guilty plea colloquy.

3.) On September 16, 2022, a petition was filed with this Court for an Order to unseal the ex parte dialogues from the motion hearing so that they could be transcribed, and to hold the case in abeyance pending receipt of transcripts of the ex parte dialogues **and** guilty plea colloquy, which were not included in the March 16, 2022 transcript delivered in the case. This Court granted the petition on November 28, 2022.

4.) Thereafter, the court reporter sent a transcript dated March 10, 2022, which contained the motion hearing colloquy and the requested ex parte dialogues held therein. However, it was discovered that the original transcript delivered that reflected a cover page labeled March 16, 2022, **was misdated** by the court reporter. The correction revealed that the motion hearing and ex parte dialogues occurred on **March 10, 2022**.

**Nonetheless**, neither of the two transcripts sent in by the court reporter contained a colloquy of the guilty plea proceeding held in the case. The undersigned counsel learned on May 2, 2023, via e-mail (see attached copy) from court administration that no tape of a guilty plea proceeding that occurred on March 16, 2022 had not been located, and that a tape from March 10, 2022 was the only record available in the case.

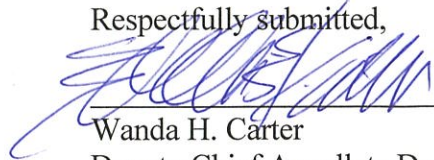
5.) Counsel has been able to verify that March 16, 2022 was the date on which the guilty plea was entered. The sentence sheet and notice of appeal filed in the case state plainly that the guilty plea proceeding was held on March 16, 2022, which was also corroborated on March 8, 2022, per a telephone call made to the Clerk's Office (Lexington County) confirming that the guilty plea proceeding was held on March 16, 2022, and per a telephone call on March 9, 2023, received from trial counsel, who confirmed that the guilty plea proceeding was held on March 16, 2022, and that his review of the court reporter's transcript sent to him for review was not the guilty plea proceeding transcript. Additionally, Judge McLeod referenced the March 16, 2022 guilty plea proceeding at the April 8, 2022 sentencing hearing. Also, my previous conversation with the court reporter in this case included an admission from her that there were no tapes from March 16, 2022 in existence in her files.

Therefore, the undersigned counsel cannot with comply with Rule 207, SCACR.

WHEREFORE, inasmuch as there is no recorded tape available of appellant's March 16, 2022 guilty plea proceeding for transcription, and since this Court allows for the reconstruction of a lost or unavailable record to ensure meaningful appellate review, the undersigned counsel would request from this Court an Order to reconstruct the record

of appellant's guilty plea proceeding held on March 16, 2022, in order to perfect the direct appeal in the case.

Respectfully submitted,



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Wanda H. Carter

Deputy Chief Appellate Defender

May 19, 2023

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Walton J. McCleod, IV, Circuit Court Judge

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STATE OF SOUTH CAROLINA,

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MATHIA LAMONT CHAMBERS,

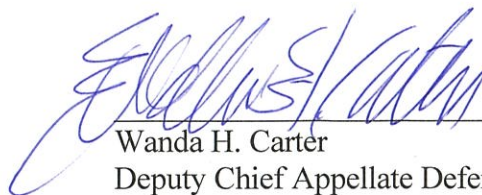
RESPONDENT.

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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 reconstruct the record of petitioner's guilty plea proceeding in the above referenced case has been served upon William M. Blicht, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 19<sup>th</sup> day of May, 2023.



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Wanda H. Carter  
Deputy Chief Appellate Defender

ATTORNEY FOR PETITIONER

[REDACTED]

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**From:** Burk, Adriane  
**Sent:** Wednesday, May 3, 2023 9:48 AM  
**To:** Carter, Wanda; Leverett, Scott  
**Cc:** White, Della  
**Subject:** The State v. Mathia Lamont Chambers - 2020-GS-32-02456

Good morning:

Please see email below from Tammie Holmes regarding the Mathia Chambers matter.

Adriane Burk  
Legal Services Coordinator  
Appellate Defense Division  
Commission on Indigent Defense  
803-734-1330

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**From:** Holmes, Tammie [REDACTED]  
**Sent:** Tuesday, May 2, 2023 12:25 PM  
**To:** Burk, Adriane [REDACTED]  
**Cc:** White, Della [REDACTED]  
**Subject:** [External] RE: The State v. Mathia Lamont Chambers - 2020-GS-32-02456

Good afternoon Adriane.

The only hearing that we found for Mathia Lamont Chambers was held on March 10, 2022 with Judge McLeod. That transcript was completed and sent to you on August 1, 2022.

Thank you.

Tammie M. Holmes  
Court Reporter Manager  
South Carolina Judicial Branch  
1220 Senate Street, Ste. 200  
Columbia, SC 29201  
[REDACTED]  
803-734-1825

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**From:** Burk, Adriane [REDACTED]  
**Sent:** Tuesday, May 2, 2023 10:52 AM  
**To:** Holmes, Tammie [REDACTED]  
**Cc:** White, Della [REDACTED]  
**Subject:** RE: The State v. Mathia Lamont Chambers - 2020-GS-32-02456

\*\*\* **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Good morning:

Have you by chance looked into the Mathia Chambers matter?

Please let me know so I can give a status update to the appellate defender who is handling this appeal.

Thank you so much.

Adriane Burk  
Legal Services Coordinator  
Appellate Defense Division  
Commission on Indigent Defense  
803-734-1330

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**From:** Burk, Adriane  
**Sent:** Friday, April 21, 2023 10:30 AM  
**To:** Holmes, Tammie [REDACTED]  
**Cc:** White, Della [REDACTED]  
**Subject:** RE: The State v. Mathia Lamont Chambers - 2020-GS-32-02456

Good morning:

I wanted to follow up with you regarding my previous email. Please see below and let me know.

Thank you so much.

Adriane Burk  
Legal Services Coordinator  
Appellate Defense Division  
Commission on Indigent Defense  
803-734-1330

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**From:** Burk, Adriane  
**Sent:** Tuesday, April 18, 2023 11:41 AM  
**To:** Holmes, Tammie [REDACTED]  
**Cc:** White, Della [REDACTED]  
**Subject:** The State v. Mathia Lamont Chambers - 2020-GS-32-02456

Good morning:

Our office requested a transcript from DCRP – Melinda Jones on May 31, 2022 for a hearing that took place on March 16, 2022, Lexington County, in front of Judge Walter McLeod IV. Penny Johnson provided our office with the hearing transcript. Mr. Chambers case was then assigned to Wanda Carter, Deputy Chief Appellate Defender. While reviewing the transcript that was provided to our office, Ms. Carter noticed during the March

16, 2022 hearing, the court reporter's note follows: "Sealed ex parte hearing was held with the Court, the defendant, and the defendant's counsel." Page 7 of the March 16, 2022 transcript. (Please see attached transcript)

On April 8, 2022, a sentencing hearing was held in the Chambers case before Judge McLeod, but before sentencing Chambers, Judge McLeod referred to a guilty plea proceeding held on March 16, 2022, where Chambers pled guilty to the lesser offense of voluntary manslaughter. (Please see attached sentence sheet)

Our office requested an additional transcript on September 16, 2022. Please see attached emails regarding this request.

One January 19, 2023, our office received a transcript from Penny Johnson dated March 10, 2022, which included the sealed ex parte hearing from the original transcript that was sent to our office on July 27, 2022.

Needless to say, we are still needing the guilty plea proceeding which was held on March 16, 2022 according to the sentence sheets.

Can you please provide me with documentation that the March 16, 2022 guilty plea hearing is unavailable or has not been found so that Ms. Carter can submit documentation to the appeal court as verification of the same in support of a petition to reconstruct the guilty pleas record in the case.

Thank you so much.

Adriane Burk  
Legal Services Coordinator  
Appellate Defense Division  
Commission on Indigent Defense  
803-734-1330

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