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Sep 11 2023

SC Court of Appeals



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender
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September 11, 2023

The Honorable Jenny Kitchings
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: State v. Michael Dewayne Williams, Appellant Case No. 2022-000686

Dear Ms. Kitchings:

This letter is to advise the Court regarding the status of Mr. Williams' missing transcript purportedly containing motions and objections of trial counsel. Since our last update, my office has again followed-up with Court Administration regarding the status of the transcript. As of now, Court Administration has not yet produced the needed information. Copies of email correspondence regarding the matter are attached with this letter. Additionally, please be advised that my office has contacted Court Administration by telephone about this case on several occasions as well. When the transcript is produced and delivered, we will notify this Court. If you have any questions or concerns, please notify my office at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Breen R. Stevens', with a long horizontal flourish extending to the right.

Breen Richard Stevens
Appellate Defender

BRS/sl

Cc: Mark R. Farthing, Esquire
Michael Dewayne Williams

Stevens, Breen

From: White, Della
Sent: Monday, September 11, 2023 11:10 AM
To: Stevens, Breen
Subject: FW: [External] RE: The State v. Michael Williams

Here is the CR's email and I have spoken with Court Admin. Let's hope we get something by the end of the day. Thank you for your patience.

From: Johnson, Penny <[REDACTED]>
Sent: Monday, September 11, 2023 11:08 AM
To: White, Della [REDACTED]
Subject: Re: [External] RE: The State v. Michael Williams

I just emailed Tammie and she's going to resend the day of April 11th, which is what I think we need, correct?

Penny M. Johnson

Court Reporter III

2nd Judicial Circuit

From: White, Della [REDACTED]
Sent: Monday, September 11, 2023 1:58 PM
To: Johnson, Penny [REDACTED]
Subject: RE: [External] RE: The State v. Michael Williams

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

Good morning,

Can you let me know what you found out about this? The court is asking for all correspondence regarding this transcript.

Thank you.

From: White, Della [REDACTED]
Sent: Tuesday, July 11, 2023 9:27 AM
To: Johnson, Penny [REDACTED]
Subject: Re: [External] RE: The State v. Michael Williams

Good morning,

Did you find anything else out about this transcript? I'm sorry, seems all the attorneys are following up on request from last month.

I appreciate your help.

Thanks always!
Della

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From: White, Della
Sent: Monday, June 12, 2023 12:11:15 PM
To: Johnson, Penny [REDACTED]
Subject: RE: [External] RE: The State v. Michael Williams

This is what the attorney sent to me. Maybe this will solve the mystery...

Hey Della,

The mystery is that on page 70 of the trial transcript, counsel renewed all of his "prior motions, objections, including motion for continuance, motion to relieve counsel, all of the other prior objections." Former AD Taylor Gilliam contacted the trial attorney, who indicated those arguments were made on the mornings of April 11, 2022, and April 13, 2022. Those are the transcripts we requested on March 29, 2023, and again on May 31, 2023. I hope this helps.

Very best regards,
-Breen

From: Johnson, Penny [REDACTED]
Sent: Monday, June 12, 2023 11:37 AM
To: White, Della [REDACTED]
Subject: Re: [External] RE: The State v. Michael Williams

Della,

I checked the calendar and I was not the court reporter for this case. It was DCRP. I was working Bamberg that week. The calendar says Ms. Davis was the court reporter in Aiken with Judge Pope.

Thank you!

Penny M. Johnson

Court Reporter III

2nd Judicial Circuit

From: White, Della [REDACTED]
Sent: Monday, June 12, 2023 3:30 PM
To: Johnson, Penny [REDACTED]
Subject: RE: [External] RE: The State v. Michael Williams

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Yes, what's your number, pls

From: Johnson, Penny [REDACTED]
Sent: Monday, June 12, 2023 11:29 AM
To: White, Della [REDACTED]
Subject: Re: [External] RE: The State v. Michael Williams

Can you please call me?

Penny M. Johnson
Court Reporter III
2nd Judicial Circuit

From: Johnson, Penny [REDACTED]
Sent: Thursday, May 11, 2023 11:56 PM
To: White, Della [REDACTED]
Subject: Re: [External] RE: The State v. Michael Williams

Della,

Is this what you're looking for?

Thank you!

Penny M. Johnson
Court Reporter III
2nd Judicial Circuit

From: White, Della [REDACTED]
Sent: Thursday, May 11, 2023 8:08 PM
To: Johnson, Penny [REDACTED]
Subject: FW: [External] RE: The State v. Michael Williams

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Hello,

I hate to bother you again today.

We sent an expedited transcript request to Court Admin on March 31, 2023. The Court has asked for a status update today. Please see the below email.

Can you help me with this?

Thank you so much [REDACTED]

From: Transcripts [REDACTED]
Sent: Thursday, May 11, 2023 4:04 PM
To: White, Della [REDACTED]; Transcripts [REDACTED]
Cc: Stock, Chris [REDACTED]
Subject: [External] RE: The State v. Michael Williams

Good afternoon Della.

This transcript was sent out to be produced on March 31, 2023 to Penny Johnson. You are welcome to get in touch with Ms. Johnson at [REDACTED] for a status update.

Thank you,

Court Reporter Section

From: White, Della [REDACTED]
Sent: Thursday, May 11, 2023 10:27 AM
To: Transcripts [REDACTED]
Cc: Stock, Chris [REDACTED]
Subject: RE: The State v. Michael Williams

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Good morning,

I wanted to check the status of this transcript.
Our office asked that this be expedited. Do you know if this will be transcribed soon?

Thank you,

Della

From: White, Della

Sent: Wednesday, March 29, 2023 9:29 AM

To: Transcripts [REDACTED]

Cc: Gilliam, Taylor [REDACTED]; Leverett, Scott [REDACTED]

Subject: The State v. Michael Williams

Good morning,

Attached is the request for two transcripts for the above case. **Please expedite.**

Thank you very much.

Della White

South Carolina Commission on Indigent Defense

1330 Lady Street

Columbia, South Carolina 29201

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