

RECEIVED

Dec 28 2023

SC Court of Appeals

Designation of Matter

The following documents are included in the record of appeal:

1. Official Transcript of case No. 2023-CP-26-00402

Recorded Webex

Transcribed by Bobbi Fisher

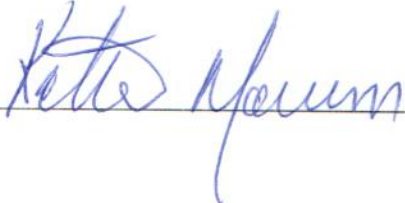
SC Official Court Reporter

2. E-mail chain between attorney Timothy Kirk Truslow and Appellant

3. E-mail to Judge Culbertson April 13th 2023

I, Katrina Morrison hereby certify that this designation contains no matter which is irrelevant to this appeal.

/s/



December 28, 2023

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STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
COUNTY OF HORRY) TRANSCRIPT OF RECORD

-----X
KATRINA MORRISON,)
)
Plaintiff,)
)
vs.)
)
STATE OF SOUTH CAROLINA,)
)
Defendant.)
-----X

Case No. 2023-CP-26-00402

April 12, 2023

B E F O R E:

The Honorable Benjamin J. Culbertson, Presiding Judge

A P P E A R A N C E S:

Jesse Glasgow, Esq.
Rebecca Benson, Esq.
Assistant Solicitors for the State,

George Redman, Esq.
Attorney on behalf of the victim

Recorded by: Webex

Transcribed by: Bobbi Fisher
SC Official Court Reporter III

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I N D E X

DESCRIPTION	PAGE
Proceedings	3

E X H I B I T S

(None.)

COURT REPORTER LEGEND

Dash (--)	Indicates an interruption in speech
Ellipses (...)	Indicates trailing off in speech
(ph)	Indicates phonetic word
[Verbatim]	Indicates the word is said as written
(Indiscernible)	[Transcription] Indicates word(s) is not known due to audio recording quality

P R O C E E D I N G S

(The following proceedings commenced as follows:)

THE COURT: All right. Next is 2023-CP-26-00402, Katrina Morrison versus State of South Carolina. If you're involved in that one, please raise your hand.

All right. Is anyone else involved in this one?

MR. GLASGOW: Rebecca Benson will be sitting in with me too. She's another assistant solicitor. She's coming in right now.

THE COURT: All right. Mr. Gunter, are you there?

MR. GUNTER: Yes, sir.

THE COURT: Are you participating?

MR. GUNTER: I'm just observing, sir.

THE COURT: You're just observing. Okay.

MR. GUNTER: Yes, sir.

THE COURT: So do we have everyone?

MR. GLASGOW: I believe we're missing the appellant.

THE COURT: Well, I see Mr. Truslow, but it won't let me add him as a -- let me find -- I don't see -- well, I take it back. When I refreshed my feed, Mr. Truslow was not there. Ms. Morrison is not there.

All right. This is 2023-CP-26-00402, Katrina Morrison versus State of South Carolina. According to my roster, this is an appeal -- criminal appeal from the magistrate's court.

1 Please state your name and the capacity in which
2 you're appearing here.

3 MR. GLASGOW: I'm Jesse Glasgow. I'm an assistant
4 solicitor with the 15th Circuit. We're representing the
5 State in this matter.

6 MR. REDMAN: Your Honor, George Redman. I'm an
7 attorney. I represent the victim in this case. I will
8 not be participating in this motion. I just wanted to let
9 Your Honor know that I was available should I be called
10 upon or if you have any questions, but I don't anticipate
11 participation.

12 THE COURT: All right. And this is Katrina
13 Morrison's appeal?

14 MR. GLASGOW: Yes, Your Honor.

15 THE COURT: All right. I got -- I got an email from
16 Mr. Truslow yesterday saying that he had a pending motion
17 to be relieved. I did not see where it had ever been
18 scheduled or really accepted in the e-File system. He's
19 not on the attending list. I'm just going to -- I mean,
20 anything anybody wants to put on the record?

21 MR. GLASGOW: I would put on the record that we did
22 not prosecute this case; the county officer did in
23 magistrate court. But we have not received the transcript
24 from the jury trial as of yet, as we're supposed to per
25 Judge John's order.

1 THE COURT: All right. I'm just going to go ahead
2 and dismiss the appeal for failure to prosecute.

3 MR. GLASGOW: Thank you, Judge.

4 THE COURT: Neither Ms. Morrison nor her attorney
5 have appeared. Okay?

6 MR. GLASGOW: Lovely, lovely. We appreciate you.
7 Thank you.

8 MR. REDMAN: Thank you, Your Honor.

9 THE COURT: Thank you.

10 (The above hearing concluded.)
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1 CERTIFICATE OF TRANSCRIBER

2 CASE NAME: Katrina Morrison v. State of South Carolina

3 DATE OF HEARING: 4/12/2023

4 COURT REPORTER/MONITOR: Webex

5
6 I, Bobbi Fisher, do hereby certify that the foregoing
7 transcript is a true and correct record of the recorded
8 proceedings; that said proceedings were transcribed to the
9 best of my ability from the audio recording and supporting
10 information, and that I am neither counsel for, related
11 to, nor employed by any of the parties to this case, and I
12 have no interest, financial or otherwise, in its outcome.
13

14 *Bobbi Fisher*15 /s/ Bobbi Fisher

16 Bobbi Fisher, Certified Transcriber

17 Date Prepared: May 9, 2023

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21 NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT
22 REPORTER SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR
23 FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT."
24 ALL REQUESTS FOR COPIES OF THE ATTACHED TRANSCRIPT (FORM
25 800) FROM OPPOSING PARTY OR NON-PARTIES MUST BE SENT TO
THIS REPORTER AT BFISHER@SCCOURTS.ORG.

Katrina Morrison-APL01/21/2023 2023CP2600402

Katrina Morrison <KatrinaMorrison@live.ie>

Thu 4/13/2023 13:31

To: BCulbertsonSC@sccourts.org <BCulbertsonSC@sccourts.org>; glasgow.jesse@horrycountysc.gov <glasgow.jesse@horrycountysc.gov>; Kirk Truslow <kirk@attorneytruslow.com>

 1 attachments (750 KB)

scan0005.pdf;

Dear Judge Culbertson,

I am the appellant in the above captioned matter.

Attached please find the fax sent to your office and this request for reconsideration of the dismissal of the appeal filed.

I am also seeking the courts consideration in allowing me to amend the appeal as there were multiple Brady violation that were not addressed by attorney Truslow and I can not explain why.

I intend to proceed Pro Se at this time and have asked attorney Truslow to allow himself to be removed from the matter.

His response as you can see in the e-mail of the 11th of April 2023 was NO. Although he did not want to be removed, he did not appear at his office nor did he notify the court from what I am being told.

I pray that this be reconsidered and your Honor allow 14(fourteen days) for an amendment to be filed.

Kind regards,

Katrina Morrison

Sent from Mail for Windows

2023CP2600402

Culbertson, Benjamin H. Law Clerk (Joseph Heath) <BCulbertsonlc@sccourts.org>

Thu 4/13/2023 14:29

To:KatrinaMorrison@live.ie <KatrinaMorrison@live.ie>

Ms. Morrison,

Good afternoon, I hope you are doing well. In regard to your hearing yesterday and the miscommunication between you and Mr. Truslow, I am sorry but I am afraid there is nothing we can do. If you have any other questions please let me know.

Thanks,

J.C. Heath

Law Clerk to the Honorable Benjamin H. Culbertson

Fifteenth Judicial Circuit

Bculbertsonlc@sccourts.org

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Sent Items < > To: Kirk Truslow X

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Favorites

Sent Items 1

Drafts 58

Archive

Add favorite

Folders

Inbox 4229

Junk Email 11

Drafts 58

Sent Items 1

Deleted... 63

Archive

Notes

Conversati...

e it before ...

X Close Previous Next

### Re: Happy Easter

 Katrina Morrison  
To: Kirk Truslow

← ↶ → ...  
Tue 4/11/2023 17:22

I will head to the court tomorrow and ask for an extension and release you from the appeal.  
Thank you,  
Katrina

Sent from my iPhone

On Apr 11, 2023, at 3:47 PM, Kirk Truslow <kirk@attorneytruslow.com> wrote:

Katrina,

Thank you for the kind words. I loved doing theater when young man but wanted to be a lawyer.

A thought in the appeal would be to let it go. Both offenses can be expunged down the road. I think the only remedy we'd get if successful would be a do over of the trial. That seems to be common relief in these cases.

Kirk

Re: Happy Easter

Fw: State v. Colin M... X

**Re: Time**

Kirk Truslow <kirk@attorneytruslow.com>

Wed 4/12/2023 08:57

To: Katrina Morrison <KatrinaMorrison@live.ie>

The hearing starts at 1:30PM.

On Apr 12, 2023, at 8:12 AM, Katrina Morrison <[KatrinaMorrison@live.ie](mailto:KatrinaMorrison@live.ie)> wrote:

Good morning Kirk, what time should I be at your office?

Katrina

---

**From:** Kirk Truslow <[kirk@attorneytruslow.com](mailto:kirk@attorneytruslow.com)>

**Sent:** Tuesday, April 11, 2023 17:51

**To:** Katrina Morrison <[katrinamorrison@live.ie](mailto:katrinamorrison@live.ie)>

**Subject:** Re: Happy Easter

No no - it's is virtual - just come to my office

Sent from my iPhone

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Katrina

Sent from my iPhone

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Junk Email < > From: Kirk Truslow < >



Meet Now



Home View Help



New mail



Delete



Archive



Report

Sweep



Move to



Reply



Read / Unread



Favorites

Close

Previous

Next



Sent Items 1



Drafts 59



Archive

Add favorite

Folders

Inbox 4261

Junk Em... 15

Drafts 59

Sent Items 1

Delete... 175

Archive

Notes

Conversati...

e it before ...

### Re: Time

Kirk Truslow <kirk@attorneytruslow.com>

To: You

Start reply with:

Okay, thank you!

Got it, thanks!

Got it, thank you.



Wed 4/12/2023 08:57

The hearing starts at 1:30PM.

On Apr 12, 2023, at 8:12 AM, Katrina Morrison <KatrinaMorrison@live.ie> wrote:

Good morning Kirk, what time should I be at your office?  
Katrina

**From:** Kirk Truslow <kirk@attorneytruslow.com>  
**Sent:** Tuesday, April 11, 2023 17:51  
**To:** Katrina Morrison <katrinamorrison@live.ie>  
**Subject:** Re: Happy Easter

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Thank you,



Home View Help



New mail



Delete



Archive



Report



Sweep



Move to



Reply



Read / Unread



Favorites

Sent Items 1

Drafts 61

Archive

Add favorite

Folders

Inbox 4218

Junk Email 1

Drafts 61

Sent Items 1

Delete... 203

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Conversati...

e it before ...

Close

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### Case

You replied on Mon 4/17/2023 11:15

KT

Kirk Truslow <kirk@attorneytruslow.com>

To: Katrina Morrison



Sun 4/16/2023 16:49

Katrina,

I would be appreciative if you not holding me responsible for the lost appeal. On one hand, we did not reach an agreement in my representation, nor was I paid a fee. In my opinion, your case was truly the kind of case that needed to be won at the trial level. Unfortunately we experienced a jury not willing to work, think and do the right thing. No one was more upset with the system than I was following that trial.

Both charges qualify to be expunged at some point and I would be more than happy to handle that for you for no fee.

I do not like having unresolved issues with people and I certainly do not like having bad relations with people (except maybe for the officer who prosecuted the case).

Sincerely,

Kirk

Sent from my iPhone

**Affidavit**

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

The undersigned, **SUSAN FLYNN**, being duly sworn, hereby deposes and says:

I am over the age of 18 and am a resident of the State of South Carolina. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.

I suffer no legal disabilities and have personal knowledge of the facts set forth below.

I accompanied Katrina Morrison to the office of her attorney Kirk Truslow on Mayfair St in Myrtle Beach on the 12th of April 2023. We arrived at approximately 1:15. We were greeted by a young woman with long blonde hair who informed us that Attorney Truslow had not yet arrived. She escorted us into his office and connected an apple computer to a website that allowed us to hear court proceedings. After maybe an hour the woman appeared and informed us that Attorney Truslow had an emergency and would not be coming. Katrina Morrison asked the woman if it was possible to get the opposing attorney on the phone to discuss something about the violations that happened at trial. The woman said she would look into it and again left us alone in the office. Sometime later she returned and informed us that we could leave as the attorney had handled things. Katrina was upset and asked for a better explanation but none was given. We left the office sometime near 3 pm.

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed this 17<sup>th</sup> day of May, 2023.  
Susan Flynn

Susan Flynn

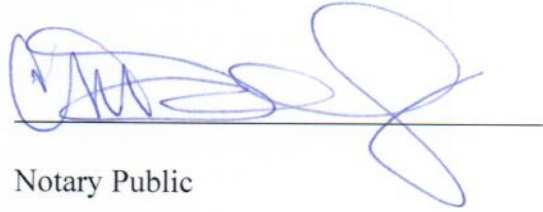
**NOTARY ACKNOWLEDGMENT**

STATE OF SOUTH CAROLINA, COUNTY OF HORRY, ss:

The foregoing Affidavit was acknowledged before me this 17<sup>th</sup> day of May, 2023 by Susan Flynn, who, being first duly sworn on oath according

to law, deposes and says that he/she has read the foregoing Affidavit subscribed by him/her, and that the matters stated herein are true to the best of his/her information, knowledge and belief.

CAITLYN DARBY  
Notary Public  
State of South Carolina  
My Commission Expires Apr 10, 2033



Notary Public