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Jan 11 2024

SC Court of Appeals



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

January 11, 2024

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 the missing portions of Mr. Williams' transcript. Since our last update, my office has again followed-up with the Court Reporter. Our office again reached out to court administration regarding the matter, but the transcript of the missing jury qualification, voir dire, and selection, as well as pretrial motions has not yet been found. Specifically, they responded that the trial started on April 13, 2022. However, as shown by the April 13, 2022, transcript, jury qualification, voir dire, and selection, as well as pretrial motions occurred beforehand. We have asked them again to review all recordings from Monday, April 11, 2022, for the missing critical information. See emails. When the transcript is produced and delivered, we will notify the 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 Richard 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

Leverett, Scott

From: Holmes, Tammie [REDACTED]
Sent: Thursday, January 11, 2024 12:39 PM
To: White, Della
Cc: Stevens, Breen; Leverett, Scott
Subject: RE: [External] RE: State vs Michael Williams 2022-Gs-02-00732

I am listening to this audio and Mr. Williams trial didn't even start until the afternoon of April 13, 2022.

Thank you,

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

From: White, Della [REDACTED]
Sent: Thursday, January 11, 2024 10:48 AM
To: Holmes, Tammie [REDACTED]
Cc: Stevens, Breen [REDACTED]; Leverett, Scott [REDACTED]
Subject: State vs Michael Williams 2022-Gs-02-00732

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

Hi Tammie,

Can you provide our office with something official in writing that there was no recording for the April 12, 2022? Please see the emails below.

Thank you,

Della

From: Coath, Cordelia [REDACTED]
Sent: Wednesday, December 6, 2023 4:44 PM
To: Johnson, Penny [REDACTED]
Subject: RE: State vs Michael Williams 2022-Gs-02-00732

Good morning,

After reviewing the request the only dates needed are the 11th and 13th and no recording on the 12th for this case.

Thank you

Leverett, Scott

From: White, Della
Sent: Thursday, January 11, 2024 4:25 PM
To: SC - HOLMES TAMMIE
Cc: Stevens, Breen; Leverett, Scott
Subject: Michael Williams
Attachments: Michael D. Williams - Motion to Hold Appeal in Abeyance - Appellate Case No. 2022-000686.pdf

Tammie,

We are missing the jury qualifications/voir dire/strike, as well as pretrial motions (including Appellant's motion to relieve counsel) for the Michael Williams trial. If it helps, I've attached the motion the attorneys filed with the Court about everything. We initially asked to examine April 13th and 11th. The trial transcript we currently have starts on the afternoon of Wednesday, April 13th at 2:15 pm, and is missing the above listed information. After contacting the trial attorney, he indicated the pretrial matters were conducted on Monday, April 11th. If memory serves, the only reason we inquired into April 12th was a conversation with Penny Johnson indicated nothing was on April 11th tape she had, and that we might want to check. We will contact the trial attorney again to see if there is another date on which the jury was pulled and motions were heard, but they're usually the day of or day before opening statements (which occurred on April 13, 2022, in Williams' case). The appellate attorney on the case indicated that sometimes counties have jury quals/voir dire/strike on Monday mornings with motions to follow on cases that are expected to be called later in the week (that way, if the first case is short, or simply falls through for whatever reason, the court just rolls forward with the second on the docket the day after the first ended). Based on that, it makes sense that the trial attorney said about that happened on April 11th—that was a Monday. He also said that sometimes a main courtroom is already in use, so pretrial matters are handled in different courtroom in the courthouse one day, and then the case is moved back into the bigger courtroom for the trial itself.

As such, I have to ask that you please look at the recordings from April 11th and 13th from Aiken County General Sessions Court to see if the missing information is there. Thank you for all of your help with this matter, Tammie.

Very best regards,

Della White
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